

104

THE CURRENT HUMAN RIGHTS SITUATION IN AFRICA

Y 4. IN 8/16: AF 8/10

The Current Human Rights Situation...

HEARING

BEFORE THE
SUBCOMMITTEE ON AFRICA
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED FOURTH CONGRESS
SECOND SESSION

MAY 22, 1996

Printed for the use of the Committee on International Relations

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THE CURRENT HUMAN RIGHTS SITUATION IN AFRICA

WEDNESDAY, MAY 22, 1996

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The subcommittee met, pursuant to call, at 2:50 p.m., in room 2255, Rayburn House Office Building, Hon. Ileana Ros-Lehtinen [chairwoman of the subcommittee] presiding.

Ms. ROS-LEHTINEN. The committee will now come to order.

We apologize for the lateness of our start, we had one vote that turned into three; that pesky democratic process keeps getting in the way of our agenda.

Thank you for your patience. And thanks to Harry for being here with us.

And thank you, John, for waiting around.

Africa, as all of us know, is a continent in transition; struggling to replace autocratic governments with democratic institutions; struggling to replace a past marred by civil strife with a future of stability and peace for all.

We focus on reconciliation; on infrastructure development and democracy building; on economic growth and prosperity.

However, none of this is possible without one pivotal element—respect for human rights. It is a prerequisite to a truly free and open society; to a stable and equitable form of government. Without this guarantee, not only can democracy not flourish, but the individual is also unable to develop. Personal growth is hindered.

As the U.N. High Commissioner for Human Rights said last week during his appearance before the Congressional Human Rights Caucus, "Human rights are to always be respected by everyone." Thus, the protection of and respect for the basic natural rights of all people should transcend political, cultural, and economic views and interests.

It is certain that U.S. foreign policy cannot be formulated in a vacuum and that other interests must be evaluated against human rights concerns. However, it is certainly difficult to reconcile in the face of slavery, mass executions, genital mutilation, and other gross violations of human rights taking place in the African continent.

Furthermore, Africa presents another dilemma that is not unique, but is certainly more prevalent due to the size and number of countries involved. This is what has been termed by some observers as "the knee-jerk revenge sentiment", which is the tempta-

tion to retaliate against former oppressors as a means of cleansing the country's wounds.

How should this issue be addressed? Can a new government proceed in the process of democracy-building without first addressing the injustices of the past regimes? How can past atrocities be rectified without creating social upheaval and economic flight? How can a country come to terms with its past and build a civil society in a new democracy?

Once again, the essential element—the foundation upon which the pillars of freedom, liberty and democracy rest—from which a stable and just society are built—is respect for the rights endowed to all human beings by their Creator.

This is at the core of our discussion today as we also address U.S. foreign policy priorities and initiatives designed to address human rights concerns.

I would like to have Congressman Harry Johnston say——

Mr. JOHNSTON. No, I don't have anything.

Ms. ROS-LEHTINEN. Victor.

Mr. FRAZER. No.

Ms. ROS-LEHTINEN. I would like to introduce our first speaker who is patiently awaiting us, John Shattuck, Assistant Secretary of State for Democracy, Human Rights and Labor.

Secretary Shattuck has served as vice president at Harvard University from 1984 to 1993, where he also taught human rights and civil liberties law at Harvard Law School. Previously, he was executive director of the Washington Office Civil Liberties Union, where he also served as National Counsel.

Secretary Shattuck has held numerous other positions in the field of human rights advocacy. Among these as vice chair of the U.S. section of Amnesty International, and as an executive committee member of the Leadership Conference on Civil Rights. He has been honored on numerous occasions for his dedication and contributions to civil liberties and human rights.

We are pleased to have him join us and thankful that his travel plans changed to enable him to appear before us.

STATEMENT OF HON. JOHN SHATTUCK, ASSISTANT SECRETARY FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR, DEPARTMENT OF STATE

Mr. SHATTUCK. Thank you very much Madam Chair. I appreciate the opportunity to appear here on a very important subject and before a subcommittee that has done very important work in the field of human rights. I was privileged to appear before you not too many months ago on the same set of topics.

I have a lengthy statement, Madam Chair. I would like with your leave to submit it for the record.

Ms. ROS-LEHTINEN. Of course, we will enter it in the record. Anything that precedes the word "lengthy" we always want to put it in the record. We want to make sure that you make them as brief as possible, John, thanks.

Mr. SHATTUCK. I do have a statement that covers a great deal of territory orally and I would like to proceed with that.

Africa is, as you yourself said, a continent of great diversity that resists any generalization. In recent years, some notable human

rights successes have occurred in Africa as have some of the most horrendous human rights violations of our time. African leaders range from democratic heroes like President Mandela, to military strongmen like the authoritarian General Abacha of Nigeria.

African Governments run the gamut from the successful new democracy of Namibia to the fratricidal warlords of Liberia. In short, we see in Africa the same fundamental trends at work elsewhere in the world, the same human rights problems and the same democratic possibilities.

These widely varying circumstances have led us to develop a broad range of strategies, approaches and programs to promote democracy and respect for human rights in Africa.

Let me mention just a few. First, we have pursued an active policy of direct, bilateral contacts with African Governments on a broad scope of human rights concerns, from encouraging democratic transition to intervening on behalf of political prisoners.

We have used our annual Human Rights Reports to the Congress as a tool to monitor human rights situations in every country on the continent to highlight abuses and to recognize progress.

We have developed a variety of assistance programs and mechanisms to support countries in transition to democracy. These include both major AID programs and much smaller grants to governments and NGO's to promote human rights and build democracy.

Through the expanded International Military Education and Training Program, we have launched programs to help African military leaders to understand the proper role of a military in a democracy.

We have provided assistance to build free labor unions which is a vital component to free societies in Africa.

Multilaterally, we have helped establish U.N. human rights monitoring programs and contributed to U.N. programs in technical assistance in the field of human rights.

We helped establish and have provided continuing political and material support for the International War Crimes Tribunal in Rwanda.

We have also supported African efforts to end human rights violations, including Organization of African Unity peacekeeping efforts.

Where circumstances warrant, we have sponsored resolutions in the U.N. Human Rights Commission, critical of particular governments.

We have imposed arms sales restrictions on countries where major human rights violations have occurred.

In the most egregious cases, we have imposed a variety of sanctions to demonstrate our disapproval of regressive actions and repressive regimes.

In addition to policies targeted specifically at human rights, we have engaged in active diplomacy toward peace on several of Africa's internal conflicts which have been the source of some of the continent's most serious human rights violations.

I would like to speak today both about some of Africa's success stories and about some of the situations which concern us most. In Africa today there is growing respect for human rights and demo-

cratic values. More African states have democratic governments today than at any time since the early years of independence. Africans have themselves insisted on ending military dictatorships and repressive one-party systems.

They have freely chosen the path to democracy and improved observance of human rights. But, many of the new democracies of Africa are fragile, beset by poverty, ethnic divisions, and the legacy of failed policies of authoritarian regimes of the past. Our goal has been to foster democratic systems and support states that have embarked on democratic transitions.

The heroic leadership of President Mandela and Mr. de Klerk has provided an example of courage in reconciliation that many around the world will want to emulate in the years to come. The recent disagreements regarding the final shape of the South African Constitution in no way diminishes the magnitude of this historic event.

Elsewhere in Africa, democratic gains are being consolidated and reforms are steadily taking root.

In Mali, the democratic progress of the historic 1992 elections continues, despite the severe poverty facing the country.

In Malawi, the government maintained the commitment to democratic progress manifest in the 1994 elections.

Benin is at this point a full-fledged constitutional democracy, which recently held its second Presidential election, resulting in a peaceful transition of power.

Congo, despite the unrest that accompanied the early stages of its transition, now has fully functioning democratic institutions and has seen a concurrent decline in human rights violations.

In Namibia, democratic institutions continue to take root. For example, its Parliament recently passed a law providing full legal equality for married women.

And, in the face of severe difficulties, this year Sierra Leone held its first free, fair and open election.

In each of these countries and in others, the United States vigorously supported progress through a combination of assistance programs, diplomatic efforts to sustain democratic momentum at crucial moments and active encouragement of grass-roots human rights and democracy activists.

Despite this record of progress, severe human rights problems persist in many African countries, as they do in other countries. Broadly speaking, in Africa, as elsewhere around the world, we see two kinds of human rights abuse: violations by strong authoritarian government, and abuses arising from conflicts within states.

Last week I returned from my third visit to Burundi. The situation there has entered a critical period. The spiral of violence is escalating, while voices of moderation are being sidelined. In Bujumbura, I saw evidence of terror by both sides. I visited a hospital on the outskirts of the city that had been attacked by Hutu insurgents. Nearby, I visited a Hutu displaced persons camp attacked by Tutsi extremists. I also heard reports of military massacres in outlying villages and assassinations by both sides of moderate parliamentarians and local officials, including the brutal killing of three women members of Parliament in recent weeks.

There is an urgent need for moderates from both sides to take concrete actions to isolate extremists. I saw little evidence of willingness on the part of moderates to exercise leadership. This is perhaps not surprising given the personal danger to those advocating moderation in today's Burundi.

We are taking a variety of steps to deal with this situation:

We are increasing our diplomatic efforts in Burundi to encourage stronger leadership by moderate Hutus and Tutsis, both civilian and military. In addition to my own visit, National Security Advisor, Tony Lake, visited Burundi last week to urge an end to the violence. Special Envoy Richard Bogosian, who joined me in Burundi, is devoting his full energies to pursuing an end to the violence.

In addition to our diplomatic efforts, we are lending active U.S. political support to the talks sponsored by former Tanzanian President Julius Nyerere, which currently hold out the best prospect of a peaceful solution.

We are working toward a coordinated approach with key European allies and other African States.

We have begun multilateral contingency planning on how to prevent a possible human rights disaster.

We are exploring the feasibility of expanding the U.N. human rights monitoring operation in Burundi as a confidence-building and preventive measure.

And finally we are working to keep the international spotlight on the situation, as our experience shows that international attention has helped reinforce moderate influences there.

None of these actions, however, will substitute for a negotiated solution to the internal conflict, which we will continue working with the Burundians to pursue.

I also visited Rwanda last week, and there the situation remains difficult but there are clear signs of progress. Rwanda was the site of the most horrendous genocide of our time only 2 years ago. And in the years since my last visit, the Rwanda justice system has progressed significantly, demonstrating the impact of assistance combined with sustained diplomatic work.

The process is on track, key legislation is moving ahead, including the genocide law which will allow prosecutions of genocide perpetrators. I visited three prisons and emphasized to the authorities our concern about horrendous and continuing overcrowding and offered again the assistance of the United States in addressing that issue.

The War Crimes Tribunal is making good progress in its work. Rwandan Government leaders with whom I met saw the benefit to Rwanda of having key figures in the genocide tried by the International Tribunal. I urged these governments to continue their cooperation with the Tribunal. Similarly, I met with Prosecutor Judge Rokotomanana, and in Washington this week Justice Goldstone, and stressed to them the importance of aggressive and expeditious work by the Tribunal in issuing indictments of the genocide leaders who were recently arrested in other countries. Eleven of these leaders of genocide now in custody in Cameroon, Zambia, Switzerland and Belgium, will be extradited soon to the Tribunal in Arusha. The U.S. support for the Tribunal remains a

key element of our Rwanda policy. In addition to the crucial work of the Tribunal, I should mention that the U.N. Human Rights Field Mission in Rwanda is now operating successfully and has become an important force in helping build stability and prevent human rights violations.

As you know, Madame Chair, Nigeria's human rights situation is becoming increasingly serious.

Since seizing power in 1993, General Abacha has presided over a regime that regularly commits egregious human rights violations. The regime's 3-year timetable for democratic transition is too lengthy to be credible.

In response to the deteriorating situation, the United States has imposed a number of sanctions on the Abacha regime. In response to the 1993 coup, we terminated all military assistance in training, ended all nonsecurity assistance except humanitarian, democratization, social sector programming, and imposed visa restrictions on those who hinder Nigeria's democratic transition. Following counternarcotics decertification in 1994, the United States voted against Nigeria in the chief Multilateral Development Banks and cease nearly all OPEC, EXIM and USAID assistance.

Since the execution of Ken Saro-Wiwa and other Ogonia environmental and human rights activists on November 10th, we have banned the sale and repair of military goods and services, extended the visa ban to all military officers and civilians who impede Nigeria's democratic transition, and imposed travel restrictions on Nigerian officials visiting the United Nations and international organizations.

At the United Nations we join with other countries, including many African countries, in sponsoring a General Assembly condemnation of the killings, which passed overwhelmingly and co-sponsored a resolution at the U.N. Human Rights Commission in Geneva.

We are currently working with other countries on further measures. We do not rule out any sanctions and strongly believe that multilateral measures would be the most effective. We are in particular looking at measures which would target the leadership who were the beneficiaries of repression rather than the people who were the victims. We have been devoting a great deal of time and effort to this consensus-building and in general have been pleased with the results thus far. On April 23rd, for example, the Commonwealth Ministerial Action Group recommended several measures against the regime, while the European Union and President Mandela are also demonstrating leadership in this effort.

In the long run, our hopes for Nigerian democracy rest with the Nigerian people. We strongly believe that Nigeria's people can succeed in building a better future in which a stable democratic government is allowed to thrive. Without that, the cycle of deterioration and repression is likely to continue.

There are other countries that you have asked me in the letter inviting me to testify to address, and I have made fairly lengthy submissions on those. I would just like to cover a few before concluding my opening remarks.

In Zaire, after 30 years of authoritarian rule, President Mobutu remains firmly in control, despite his promise of democratic reform.

Although the Kengo Government has made progress in improving the situation, the Mobutu-controlled security forces continue to violate human rights.

The United States has condemned these abuses and will continue to carry a strong message to Zaire's political leadership that the human rights situation must improve. To advance this message, we have denied visas to President Mobutu and others who impeded the transition, and made clear that his cooperation is essential in normalized relations with the United States.

In addition to the disturbing internal situation in Zaire, one of the most troubling aspects of my recent visit to Central Africa was evidence I gleaned that insurgencies based in eastern Zaire threaten to further destabilize the situation in Rwanda and Burundi.

Because of our deep concern over these issues, a team led by Assistant Secretary George Moose went to Zaire earlier this week. They met with President Mobutu and Prime Minister Kengo to discuss how Zaire can make a positive contribution to resolving the Burundi crisis. Assistant Secretary Moose also underscored our concern for President Mobutu's cooperation toward an open and transparent democratic process.

In Sudan, there has also been a continuing pattern of gross violations of human rights, as detailed in our Human Rights Report. Many of the most serious violations relate to the 12-year-old civil war during which the government and insurgent forces have committed grave human rights abuses.

One aspect of the government's attempt to subjugate opposition may be the taking of slaves by the army of Sudan or forces under its control. The past year has seen an alarming increase in the reports of the seizing of civilian captives.

As we said in the Mauritania Human Rights Report released in March, there are reports of persons continuing to live in conditions of involuntary servitude in Mauritania. Tens of thousands of persons whose ancestors were slaves still occupy positions of servitude, although such practices as coercive slavery and legalized slavery and commerce slaves appear to have virtually disappeared.

The United States has made the issue of the vestiges of Mauritanian slavery a top priority in our relationship with Mauritania. We have and will continue to urge the government to address the issues of proactive measures, such as campaigns to educate people about their rights and providing funding to human rights organizations.

In Africa, as elsewhere, Madam Chair, we are increasingly seeing the linkages between the legal, economic and social status of women and progress in democracy and human rights. The empowerment of women through literacy, education, legal reform and better access to health care is a crucial factor in fostering pluralism, self-government, free expression and a just social order.

We are currently engaged in several issues relating to women's rights. We are actively studying ways in which we can further address the issue of female genital mutilation. As you know, we report on this issue in our annual Human Rights Report. I have recently formed a working group in the Human Rights Bureau to ensure that the issue is raised in bilateral human rights dialog and multilateral fora. Moreover, the Immigration and Naturalization

Service has recently argued in a case which involved a young woman from Togo, that female genital mutilation could be grounds for asylum.

Our embassies give a broad range of support to women's groups throughout Africa. For instance, we raised with other governments our support for legislation to ensure the legal equality of married women. And through the Democracy and Human Rights Fund, we have funded efforts to inform women of their legal rights and assist women through seeking legal representation.

Finally, Madam Chair, I would like to touch very briefly on some of our programmatic efforts for democracy promotion in Africa.

The Department of State's Africa Regional Democracy Fund, for which we have requested \$10 million ESF for fiscal year 1997, is a responsive, flexible and innovative program which specifically addresses the need to support democracy in countries in transition and emerging democracies. It will provide technical assistance for elections as well as civil society and democratic institution-building. Its programmatic objects are threefold: to support elements of African civil societies which promote human rights, pluralism and accountable government; to support the emergence of leadership chosen through regular, open and transparent electoral processes; and to support the development of responsive and accountable government institutions which uphold the rule of law and sustain the balance of power.

Finally, the Democracy and Human Rights Fund provides highly targeted grants to grass-roots democracy, human rights and civil society organizations, nongovernmental groups with which our embassies are in direct and ongoing contact. Through these projects, our embassies have helped local groups, which I have discussed here today, from promoting democracy to improving human rights monitoring, advancing women's rights and fostering reconciliation in war-torn countries.

Human rights and democracy promotion provide concrete support to the courageous commitment of Africans to pursue human rights. African democracy and human rights activists are working to create better lives for themselves, their children and their communities, often in the face of great hardship and with great courage. People of Africa are endowed with the inalienable rights of freedom and dignity, as are all people, and we are committed to helping them realize those rights.

Thank you very much.

[The prepared statement of Mr. Shattuck appears in the appendix.]

Ms. ROS-LEHTINEN. Thank you so much, Mr. Secretary.

Your testimony points out that great diversity in Africa resists generalization. Does your department have any insight as to what makes one country more willing to make those democratic reforms happen and a neighboring country in the same region resist those kinds of reforms? Have sanctions seemed to have worked in some places and not in other places; regional cooperation works sometimes and sometimes not? Outside pressure groups are sometimes effective and at other times not? Financial help in one department or the other?

How does your department come to grips with what works and what doesn't? And what will make one country respect human rights and the other one not?

Mr. SHATTUCK. The first thing we have to remember is the struggle for human rights and democracy is a very long-term struggle. We ourselves in our own country are engaged in this struggle and it continues today. So this is a process whereby those who are most actively engaged in the civil society work of a country's nongovernmental organizations, women's organizations, the kinds of groups that I have been talking about throughout my testimony, are really at the heart of the long-term process of bringing greater democracy and respect for human rights. And where there are such groups, where it is possible to work with them and to find ways of supporting them and encouraging them, I think the seeds of the best kind of policy can be developed.

I think at the other extreme there certainly is a role for coercive measures. But I think that should not be overemphasized. Certainly the issue of sanctions is a complicated one and it involves judgments having to do with the possibility of affecting the behavior of those leaders who are systematically, in some instances, violating human rights. There is an appropriate role for that. And where we find it, as I believe we have in the case of Nigeria with respect to specific kinds of targeted sanctions aimed at the regime, we should use it.

I would also point out in the case of Nigeria, it is important to continue support for the human rights organizations who are very active in that country, who are bravely trying to improve their own situation.

In other settings, for example, in Rwanda, where the justice system was decimated by the horrendous catastrophe that occurred in 1994, a small amount of assistance has gone a long way toward rebuilding the institutions of justice in that country. It is not by any means more than just begun, but it is a very important element.

And those who look for the most effective programs are well-advised to look to programs to assist in the administration of justice, in addition to the kinds of programs that I have talked about with respect to human rights, NGO's and democracy groups.

Ms. ROS-LEHTINEN. Thank you.

Recently the State Department in our subcommittee hearing produced a list of countries which it designated as "considered democratic". Yet from the panelists we will hear after your presentation, they will say that some of the individuals from these countries that are classified as democratic by the State Department—for example, Mali, Ghana, Ethiopia—we have a lot of individuals who are seeking political asylum from those countries here in the United States.

How do we reconcile the fact that people are being driven away from their homelands seeking refuge in the United States, vying for political asylum because of the situations in their homeland, yet we classify these countries as democratic?

Mr. SHATTUCK. When we say we classify various countries as democratic, every country is different, to be sure, and the classifications are of countries in various stages of transition to democracy. And there is also tragically no protection guaranteed against the abuse of human rights merely because a country is in transition to

democracy, so you will find circumstances in which individuals will have very valid claims for asylum.

I mentioned earlier the tragic case of female genital mutilation and the asylum claim that is now being addressed by the Immigration and Naturalization Service. That is a situation that is coming not necessarily out of a democracy, but not out of any sort of systematic government repression.

There are a wide variety of countries that are in transition to democracy and may have had democratic elections recently who will continue in transition, but we will find that there will be circumstances of human rights abuses. It should be no surprise to find countries where the transition doesn't necessarily mean a human rights record that is perfect. No human rights record, unfortunately, is ever perfect.

Ms. ROS-LEHTINEN. You bring up the subject of sexual mutilations of young women, certainly that has been widespread in some parts of Africa and in other countries that we have given hundreds of millions of dollars to. Do you think it is time to look again at this subject and not make it just an INS category but to make it a policy that we would sanction—put some advantages against these countries that tolerate or condone this atrocious human rights abuse, and also what has been the responsiveness of these countries when the United States raises this issue of sexual mutilation of young women?

Mr. SHATTUCK. The best way to address this question, in addition to calling it by its proper name and recognizing the horrendous human rights abuse that occurs, is to work with nongovernmental organizations such as women's groups, who are seeking to promote change in the way in which societies look at this practice. And that is one of the ways in which our small Democracy Fund can be particularly effective.

We are working with governments themselves to try to see that this practice is ended, while at the same time recognizing that it could very well be a valid claim for something like asylum. It is by no means limited to the Immigration and Naturalization Service. Quite the contrary, we are looking at this through our aid programs and through our regular discussions with government. But I think the point to be made here is that this is not always necessarily a government phenomenon so much as it is a tragic societal phenomenon.

Ms. ROS-LEHTINEN. But you don't think that the sanctions would be a good idea?

Mr. SHATTUCK. We have to always look to see what the effect of sanctions might be. And sanctions in a situation like this is, I believe, not necessarily likely to produce the effect. On the other hand, legal reform and work within countries to provide the kinds of legal protection that women are entitled to, is a critical element of judicial and legal assistance for reform that we provide in a number of countries.

Ms. ROS-LEHTINEN. When you look at very, very difficult situations, such as what is going on in Zaire and Sudan, what more do you think the United States should be doing about these seemingly intractable situations?

Mr. SHATTUCK. Well, I think there are several ways in which there have been in recent years some very favorable developments, even in most tragic and intractable situations. And perhaps the most favorable of all is the growing leadership within Africa on human rights and the willingness of African leaders to take strong stands.

I think President Mandela himself has very much led the way in this regard, in looking to develop regional approaches to human rights capacity and conflict situations. We also see a growing willingness of African countries to provide peacekeeping and reconciliation assistance. The leadership of former President Nyerere in Tanzania is another example—his addressing the situation in Burundi. So that is one very important development. The United States can work very closely with like-minded African leaders to seek regional and international solutions to problems.

The willingness of African countries to participate in the debate in the U.N. Human Rights Commission and to support resolutions on human rights catastrophes in the Sudan and Nigeria, is a very positive development. At the same time, the United States is engaged in its own diplomatic efforts. I already mentioned my colleague, Assistant Secretary Moose, is now in discussion with the Government of Zaire about the urgency of Zaire's participation in addressing the regional crisis in Burundi. These kinds of U.S. and allied diplomatic efforts show a promise for being able to address even the worst catastrophes.

But again, this is not a short-term process. There is much more progress on these issues than we saw a decade ago, but there is a long way to go.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Secretary.

Mr. Johnston.

Mr. JOHNSTON. Thank you, Madam Chair.

Mr. Secretary, when you are dealing with over 50 countries in a continent, I know you are going to have a hard time picking out, and you picked out six very good candidates here, Sudan, Rwanda, Burundi, Zaire, and Nigeria, and go to the next three, whether they be Togo, Algeria or Libya.

One country I want to discuss very quickly since the beeper went off, is Ethiopia. As the Chair mentioned, there are millions of dollars going to countries that have not reformed. You have here a country that is only second to South Africa in money received by the United States.

Let me read to you from a report:

The government—this is the Ethiopian Government—at times harassed, arrested and arbitrarily detained journalists and political activists. At times the judicial system remains weak, understaffed, and subject to political influence. Culturally based discrimination and violence against women and abuse of children continue to be serious problems. Discrimination against the disabled persists.

The trial of the first group of defendants accused of war crimes under the Negasso regime which began in December 1994 was in recess for much of 1995. At year's end, approximately 1,700 of those accused of war crimes remained in detention without charges for more than 3 years, and it goes on and on.

Do you have any idea of what I am reading from?

Mr. SHATTUCK. It may well be the Human Rights Report. I am not sure.

Mr. JOHNSTON. From the State Department, good guess.

Mr. SHATTUCK. I am familiar with that document. I could have easily included that in my testimony.

Mr. JOHNSTON. I didn't even get to the point of the journalists and those who are in detainment, nor have I gotten to Amnesty International.

Now as an old Amnesty International and ACLU person, I am still incredulous, and I go back to my meeting with the Embassy people in August where they said there were no human rights violations to any extent in this country and asked me what my authority was for citing them. They must have thought I arrived in town on the back of a turnip truck. I said it was their own human rights report. And I might say, Mr. Moose is in concert with you, because he listed them among the democratic countries.

Should we continue to invest \$90 million in this country each year without some reforms that I have been waiting for in the last 4 years?

Mr. SHATTUCK. Well, you are perfectly right, Mr. Johnston, to point out the very serious human rights situation that is in Ethiopia.

I have traveled to Ethiopia several times and have had several meetings with, then President, now Prime Minister, Meles. We have to keep as long a perspective as we can on these matters. If you look at the catastrophe out of which Ethiopia has emerged, and the extraordinary repression that was for many years conducted by the previous regime, and the fact that, as you in your own leadership in working on the 1995 elections I think would probably point out, there is progress toward democratic elections.

Now those elections were boycotted by a large number of opposition groups. This was one the tragedies of Ethiopia, as we frequently pointed out in discussions with the government. When you systematically make it difficult for opposition groups to participate in the political process, you can be sure that they are likely to boycott an election. So that is a very, very serious problem.

On the other hand, there is the possibility of moving forward with these trials. More people need to be charged, to be sure. But there are trials that are proceeding, and the process of bringing justice to what was clearly a horrific human rights abuse by the previous regime is very important.

Finally, I would say that Ethiopia plays an increasingly important regional role in stabilizing and providing assistance to other governments that are in the process of tackling these kinds of human rights abuses. We are very proud to have worked with Ethiopia on the crisis in Rwanda. Ethiopia's peace efforts in Eritrea have been important, and if there is any country that has a possibility of fostering a peace process in the Sudan, it is probably Ethiopia, and it has actually put some resources to that purpose.

So it is very much of a mixed picture. All of this situation is a mixed picture. Working on human rights is always a mixed picture. I believe we should not continue to work with Ethiopia and call things by their proper name.

Mr. JOHNSTON. We are going to have a recess. At this rate, it is going to take 30 years for this to come to trial or bring charges, and just from pure mathematics, there are more political prisoners in Ethiopia than the continent combined.

Ms. ROS-LEHTINEN. The subcommittee will recess, and we will be back shortly.

[Recess.]

Ms. ROS-LEHTINEN. The subcommittee will resume.

Thank you so much, Mr. Secretary. Unfortunately, we have another group of votes coming up, so I hope that some of the members will be coming back. Some have decided just to stay there for the final passage of that bill before we start with the other one. Maybe I will ask you one or two questions to see if they are coming back, and, if not, I won't keep you here forever.

You had discussed Nigeria several times in your testimony. I wanted to ask you about the timetable in terms of the process for developing a constitutional framework of elections. As all of us know, it took South Africa 2 years to negotiate their new Constitution.

What does your department see in terms of what it would take for Nigerians to develop a Constitution for themselves? And should the participants in the drafting of this document be chosen by what process? Should the new Constitution be presented to the people for approval? And also, do we support the National Constitutional Conference, or do we believe that another process in its place must be adopted?

Mr. SHATTUCK. Well, Madam Chair, Nigeria has actually completed the second quarter of its own 3-year transition program. But even judged by its own timetable, which is much too long—particularly given the background of elections prior to the assertion of power, and sweeping aside the results of those elections by the military—even judged by its own timetable, its record is not good.

It basically called for a transition within a 3-year period, and there has been no progress other than an assertion that restrictions on political activity were to be lifted. But they have not been lifted. And the new criminal offense of "undermining the transition program", which is a crime punishable by up to 5 years imprisonment, was brought in as a result of the decrees that were issued last October 1.

So what we see is the need for a rapid transition. I am not going to put a precise timetable on it, but a very rapid transition to civilian democratic rule is needed. Certainly that should occur, and it should have occurred by now.

At the same time, if I could extend on the subject of what we hope will occur in the near term, we have called on the Government of Nigeria to release, without restrictions on any political activity or their civil liberties, all persons detained, charged, or convicted for actions arising from the current political situation. This, of course, includes Abiola, Obisanjo, labor and human rights leaders, and other accused so-called coup plotters. We also call for the holding of speedy, public, fair trials with full due process, the release of other prisoners such as the so-called Agoni 19, the lifting of all restrictions on press, announcing a firm date for Presidential elections, and the restoration of habeas corpus. These are fundamental elements of any country that even would pretend to be in transition to democracy, and, frankly, we don't see any of those elements in place now.

Ms. ROS-LEHTINEN. Mr. Secretary, rather than keep you any longer, why don't we just end your part of the testimony. I will ask the members who were here and did not get an opportunity to ask you questions during the hearing, if they have any they would like to submit for the record. If they do, we will see that those questions will get to you.

We thank you for your time and flexibility in allowing the members to hear from you.

Mr. SHATTUCK. Thank you very much, Madam Chair.

Ms. ROS-LEHTINEN. Thank you, John.

Ms. ROS-LEHTINEN. Now it is our pleasure to welcome our distinguished panel for the second portion of this hearing. Once they have all testified, we will proceed with the questions. First we will hear from Mr. Tom Lansner.

Mr. Lansner is a senior consultant and international affairs analyst for Freedom House on democratization, human rights, and media issues. He specializes in African and Asian affairs and spent over a decade as a resident correspondent, covering those regions for the London Observer and the Guardian, among others. He has worked with political parties and nongovernmental organizations in various African countries and served as a U.N. elections observer in South Africa in 1994. Mr. Lansner is a contributing editor to Freedom Review magazine and serves as adjunct professor of international affairs at Columbia University's School of International and Public Affairs.

He will be followed by Greg Simpkins, also a former journalist, who currently serves as deputy regional program director for Africa at the International Republican Institute.

During his career as a working journalist, Mr. Simpkins worked in national and local radio and wrote extensively for national and international magazines and newspapers, specializing in coverage of domestic politics and foreign news concerning Africa and the Caribbean. Since 1987, he has been involved full-time in foreign advocacy projects, including serving as associate director of the Angola Peace Fund. He has observed elections in Kenya and South Africa, the latter as part of the U.N. team. He has developed and directed numerous democracy programs at IRI. Our final witness is Joseph—Joe—Eldridge, director of the Washington office of the Lawyers Committee for Human Rights. Previously, he served as the international representative for the United Methodist Board of Global Ministries and Consultant on Human Rights, where he conducted public policy advocacy on human rights and foreign policy issues. His distinguished career in the field of human rights advocacy expands into Latin America and the Middle East. He has coordinated and participated in numerous delegations focusing on human rights concerns and has published extensively on the issue. We thank all of our panelists for being here today to share their views on such an important topic.

Mr. LANSNER. Thank you very much for inviting me to speak, and I too have summarized my rather lengthy statement.

Ms. ROS-LEHTINEN. We would be glad to submit them for the record.

STATEMENT OF THOMAS LANSNER, INTERNATIONAL AFFAIRS ANALYST, FREEDOM HOUSE

Mr. LANSNER. It is over a year since I last had the privilege of testifying before this committee, and, as the committee's members are well aware, the time has been one of mixed news from Africa. Afro-optimists and Afro-pessimists could each find ample material to argue their cases.

Democratic consolidation continued in South Africa, Benin, Botswana, and Namibia. More good news was that tentative peace pacts strengthened in Angola, Mali, and Niger. In Algeria and in Sierra Leone, voters defied intimidation in massive turnouts that were clear calls for an end to the terrible violence wracking those countries.

But elsewhere, conflict and repression are sources of serious human rights violations.

Liberia's fragile peace has again slipped into open warfare and immense human suffering. Niger's democratic government was overthrown by the army. As we meet, a military mutiny is under way in the Central African Republic. Rwanda remains highly volatile, and Burundi threatens at any moment to explode into all-out ethnic warfare.

In Nigeria, dictator General Abacha's oppressive and divisive policies threaten to engulf Africa's most populous country in a conflagration that could rival Rwanda's recent tragedy in intensity and dwarf it in scale.

Sudan's junta has added genocide and slavery to the tools it employs in hopes of crushing all resistance to radical Islamist rule across a vast land of racial and religious diversity. And there is now threat of renewed war in Western Sahara, where the United Nations has apparently wearied of Morocco's obstruction of a long-delayed referendum and is set to withdraw its monitoring team.

Clearly, there is no lack of serious problems, but I would like to mention something that perhaps points to long-term positive change in Africa. It is the possibility, as Secretary Shattuck mentioned, that protection of fundamental freedoms could become a norm African leaders not only respect themselves but also demand of each other.

President Nelson Mandela's clear acceptance of the authority of South Africa's Constitutional Court last September is an example of the former. His call to censure and sanction Nigeria's dictatorship after its November murder of minority rights campaigner Ken Saro-Wiwa exemplifies the latter.

During more than 30 years of independence, Africa's leaders have very rarely criticized any other African regime for human rights abuses. But Ken Saro-Wiwa's execution after a mock trial evoked an instant and angry reaction from President Mandela and his ANC colleagues, who had vigorously lobbied the Nigerian generals to grant clemency.

Returning to South Africa, President Mandela's clear support for human rights throughout Africa is not the only encouraging news from that country. Democratic consolidation continues. The new Constitution, just adopted, provides strong provisions protecting human rights and civil liberties. Institutionalization of the rule of law is an urgent priority for any diverse society, and especially

South Africa, which faces considerable uncertainties when Nelson Mandela's moderating influence no longer looms over the political landscape.

The scorecard on democratic development elsewhere in Africa ranges from genuine openness to cynical manipulation of electoral systems. In Benin, Botswana, Mali, and Namibia, genuine multiparty systems seem to be taking firm hold. Other transitions are more tenuous, with hangovers of war or authoritarianism still clouding long-term prospects.

In Zimbabwe, a strong patronage system and State-media domination made a sham of recent elections and are creating de facto conditions for the one-party state for which President Robert Mugabe has clearly expressed his preference.

As Congressman Johnston pointed out, Ethiopia's May 1995 election produced the country's first-ever popularly elected government, although an opposition boycott and intense government harassment of media and political activists seriously devalued that achievement.

Even more of a noncontest was Cote D'Ivoire's Presidential race last October. Incumbent President Henri Bedie's strongest rival was barred from the contest.

Uganda President Yoweri Museveni's landslide election victory earlier this month appears far more credible, but he must be encouraged to keep his promise to open the political system to the genuine debate best provided by a multiparty system and an open media.

Even in two of Africa's most repressive countries, Nigeria and Sudan, there is an effort to present at least the appearance of an electoral process. In these cases, however, little more than lip service is being paid to notions of pluralism and popular representation.

Supporters of the democratic process in Africa should be very careful not to give credence to what an April report by the International Institute for Strategic Studies in London calls "donor democracies", which fulfill only the minimum requirements to keep foreign aid from being suspended. "D+" elections might buy time and money in the international community but are unlikely to lead to the transparency and accountability that is a threshold for peaceful development.

Several other countries also continue to suffer harshly authoritarian regimes. Zaire's slow unraveling toward utter anarchy goes on. But as his country teetered closer to collapse, President Marshal Mobutu made good use of Rwanda's misfortunes to reverse his own.

Mobutu has cast himself as a key actor able to spark or stay a new round of ethnic war in Rwanda and perhaps Burundi. His reward for so far maintaining a relative peace is official redemption among Western Governments that not long ago ostracized him as a corrupt and dangerous despot.

Mobutu has reportedly allowed extremist Hutu factions to regroup and rearm on Zairian soil. According to reports by human rights investigators, these groups have received weapons and training from France and other countries in another manifestation of the highly questionable role that the French Government, military,

and secret services have played in the ongoing Central African tragedy.

Last week, the French Government finally authorized its courts to try those accused of genocide in Rwanda, who have thus far found safe haven in France, and recognized the extradition authority of the international tribunal based in Tanzania. This is a welcome development.

With its strong economic ties to many African countries, its military presence, and a demonstrated willingness to intervene, France will, for better or worse, continue to play a major role across the continent. Its influence could help promote peace and democratization.

Yet strong French backing for several authoritarian regimes, including those of Presidents Paul Biya in Cameroon, Omar Bongo in Gabon, and Gnassingbe Eyadema in Togo, must today be considered a major roadblock to democratic development. The U.S. Government should press France to be a friend in Africa. You might want to look at page 3 of The New York Times which has an interesting article on French military activities in Africa.

Architects of the Rwandan genocide are also afforded refuge in Kenya, where President Daniel arap Moi is using a combination of harassment, partisan judicial actions, and physical attacks to intimidate opposition activists. Moi's reaction to domestic and international criticism is to accuse local opponents and foreign governments of ever more bizarre and Byzantine plots to unseat him.

But I will leave Afro-pessimism again for a moment. Another positive sign in Africa for human rights is that the information revolution that has largely bypassed Africa may get jump-started there by new and cheaper technologies in tandem with economic and political liberalization. Information access is the oxygen of modern economies and of open societies. "Interconnectivity", recent studies show, has a positive correlation with democratization.

Last week, the United States pledged to assist Africa to develop its Internet access. A 5-year program named the Leland Initiative, for the late Congressman Mickey Leland, will help the continent gain access to and exploit the potential for the Internet as a tool for development and democracy. This sort of program should certainly be supported.

Other changes are necessary to bring the information revolution to Africa. Many countries retain laws that seriously restrict investment needed for infrastructure projects. And also in many countries, basic attitudes toward free expression remain problematical.

The Freedom House 1996 Survey of world press freedom, released on May 3 to mark World Press Freedom Day, finds that only 7 of Africa's 52 countries earn a rating of free. Nearly half of Africa's countries are rated not free.

Ms. ROS-LEHTINEN. Seven?

Mr. LANSNER. Seven.

Ms. ROS-LEHTINEN. Do you know if they have just two categories, free and—

Mr. LANSNER. No, there is free and partly free so half are rated not free which would leave about 20 some odd as partly free. I would like to mention a couple of specific cases based on protests filed by the committee to protect journalists.

In Nigeria, Nosa Igiebor, editor-in-chief of the independent news magazine Tell, has been detained in solitary confinement without charges since December 23, 1995. Several other Nigerian journalists are also being held in cruel, degrading, and potentially life-threatening conditions.

In Zambia, the independent Zambia Post is under increasing pressure from the government, with numerous libel suits being used as a means of harassment. Its editor, Fred Mbembe, faces over 100 years' imprisonment if convicted on all charges.

Attacks and harassment continue in other countries. Perhaps the most dangerous place in the world today to be a journalist is in Algeria, where over 60 media professionals have been murdered over the past 3 years.

Broad access to unrestricted information fuels both economic growth and the expansion of civil society. Inevitably, it also produces greater diversity of opinion. Yet ideological and political barriers still impede cheaper and more accessible communications, and direct attacks on the press are a grim reminder that there is much work still to be done on promoting and protecting the most basic of human rights in many African countries. It is encouraging that increasing amounts of this work are being done in Africa and by Africans.

An April meeting of human rights groups in Burkina Faso's capital, Ouagadougou, called for a broad-based program that includes strengthening legal institutions and promoting the teaching of human rights.

African programs promoting human rights deserve outside support, especially NGO projects, which build the capacities and confidence of civil society. U.S. Government-supported groups such as the National Endowment for Democracy, the National Democratic Institute for International Affairs, and the International Republican Institute should be encouraged and funded wherever possible to assist African partners in these activities.

A place where such help could be usefully deployed now is Zaire, where elections next year could finally end Marshal Mobutu's rule. Yet the new official election commission is untested and untrusted. A broad coalition of human rights groups and other NGO's has just launched an independent election commission which aims to monitor the entire electoral process. This group will need outside expertise and material support to become a viable counterweight to, and watchdog of, official election bodies.

Shall we close as Afro-optimists or Afro-pessimists? A case study is seen now in Ghana. Political and economic liberalization is taking tenuous hold. Ghanaians go to the polls in December 1996 to elect their president. Incumbent Jerry Rawlings, once a harsh socialist military dictator, now an apostle of free markets, will seek another term in office. Technical experts from the International Foundation for Electoral Systems, with U.S.-Government funding, have helped register voters, an essential first step for free elections. Media openness is increasing, although far from assured.

These elections will measure Ghana's political maturity. Rawlings may, like Bedie or Bongo or Moi or Mugabe, manipulate the process to keep power. He or his supporters may churn ethnic rivalries to gain votes. Or, by honoring his pledge to promote a gen-

uine election, he could, in victory or defeat, mark the route toward long-term stability and growth.

Democracy is today clearly working in some African countries, and in most others, leaders at least acknowledge, by signing human rights treaties, by holding some sort of elections, and by paying at least lip service to respect for basic freedoms, that there are internationally recognized rules of governance and rules for humanity that should be obeyed.

Only as Africa calls itself to account to respect these rules, with strong encouragement and assistance from friends of human rights and democracy worldwide, can human rights be protected and democratic development realized.

Ms. ROS-LEHTINEN. Thank you so much.

[The prepared statement of Mr. Lansner appears in the appendix.]

Ms. ROS-LEHTINEN. Mr. Simpkins.

STATEMENT OF GREGORY SIMPKINS, DEPUTY REGIONAL PROGRAM DIRECTOR FOR AFRICA, INTERNATIONAL REPUBLICAN INSTITUTE

Mr. SIMPKINS. Good afternoon. I thank you and the rest of the members of the committee for inviting me to present testimony. My testimony is not that extensive, but I think in the interest of time I will summarize it.

Ms. ROS-LEHTINEN. Thank you. We will enter your statement in the record.

Mr. SIMPKINS. Good afternoon, ladies and gentlemen. I am honored to have been invited to present testimony before this subcommittee of the U.S. Congress. When we speak of human rights, we refer to those inalienable rights that for centuries have been accepted as having been bestowed by God. Consequently, since man did not extend these rights, then man had no ability to deny those rights.

Typically, we mean such rights as freedom of speech and expression, freedom of religion, freedom of assembly and association, the right to equal protection under the law and the right to due process and fair trial. These rights are embodied, not only in constitutions the world over, but also in such international documents as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights.

Because such Western philosophers as Jean-Jacques Rousseau, John Locke, and Montesquieu wrote extensively on the rights of man, it has been widely believed that Africans, who did not record such philosophies, neither knew of nor respected human rights. This is a dangerously erroneous concept. In his book, *Indigenous African Institutions*, Dr. George Ayittey examines democratic African traditions dating back many hundreds of years. Among the principles guaranteed by African customary law were: The right to equal protection under the law, the right to a fair trial, the right to petition for redress of grievances, the right to criticize and condemn any acts by the authorities and the right to protection of moral law in respect to family that not even a king could violate.

However, since independence, there has been a tendency among governments across the continent to restrict freedoms enjoyed by their people for centuries. Freedom of speech is abrogated by policies such as that adopted in Kenya, where criticism of President Daniel arap Moi was outlawed last year.

Current Nigerian leader General Sani Abacha has jailed hundreds of critics of his regime's refusal to accept the results of the June 12, 1993 elections. Many others have been forced to flee the country.

In Sudan, a civil war between the Muslim Central Government and Christians and traditional religion devotees has facilitated a return to slavery. In a blatant abrogation of freedom of religion, Christian captives reportedly are sold for as little as \$15 for not adhering to Islam.

The Zambian Parliament passed a law this month, aimed directly at denying former President Kenneth Kaunda the right to run for his previous office, which is a violation of equal protection of the law. That Zambian law echoes the machinations last year by Ivory Coast President Henri Konan Bedie, whose government revised election laws to prevent the candidacy of former Prime Minister Allesane Ouattara. Both laws challenged potential candidates' citizenship in a way that specifically targeted their circumstances. Due process of law is a forgotten concept on the streets of Monrovia, Liberia, where the frequent breakdowns in government and public order have resulted in mass killings and looting. Summary executions are the rule in Liberia today.

There are several reasons why long-standing African traditions of respect for human rights have been left behind in independent Africa. First, colonial governments used authoritarian techniques to manage ethnic groups that had not previously been under one rule before being incorporated into a colony. Following independence, many African leaders kept draconian colonial laws on the books as a convenient means to punish dissenters.

Despite a tendency to ignore traditions of support for human rights by many governments in independent Africa, there are African nations that have made significant advances in their human rights standing in recent years. In Mauritius, more than a dozen independent newspapers exercise their right to free speech by criticizing their government without fear of reprisal. The Central African Republic has no State religion and guarantees freedom of religion for a variety of sects who are free to proselytize.

Opposition political parties in Malawi freely exercise their rights to assembly and association under a government that does not interfere with their ability to organize and routinely grants permits for public events. The new South African Constitution guarantees equal protection under the law for all citizens in contrast to the decades of unequal justice under apartheid. Botswana's due process rights for those who have been arrested and their procedures for fair trial closely resemble those we enjoy here in America.

There are few absolutes among human rights violators and those nations that respect human rights. However, the one constant is a mixed, but genuine, progress toward a greater respect of the rights of all citizens in African nations. There has been an increased acceptance of competitive elections as evidenced by the explosion of

nearly three dozen elections in the past 4 years alone. There has been an increased acceptance of political pluralism, and nations such as Uganda and Swaziland that ban political parties are now the exception and not the rule.

There is a growing trend toward what might be called federalism or at least decentralization, in which provincial and local governments assume more authority for the welfare of their citizens. The desire to consolidate peace in nations such as Angola, Ethiopia and Mozambique also has broadened the opportunities for citizens to enjoy their inalienable rights. Progress on these fronts has not only enhanced the future of democratic politics, but also of respect for the rights of citizens.

To correct the injustices that do exist and help restore and expand the culture of respect for human rights in Africa, the United States and other Western nations must take strong, definitive actions to support the principles of human rights we share with governments and individuals throughout the world.

The commonly held principles regarding basic human rights must be clearly enunciated and connected to historic and current African practice. At the African Democracy Network conference in Mombasa, Kenya, in March 1995, the International Republican Institute—IRI—brought together more than 60 African democracy advocates from 20 countries who professed their support for the same democratic principles we hold dear in America and which are the standard worldwide. The conclusions of that conference were that there is no such thing as African democracy and that Africa must be held to the universal standards governing human rights. While democracy has to be shaped to fit the circumstances in each country, there are overarching principles whether that nation is Canada, Chile, Cambodia or Cameroon. IRI has utilized the talents of African democrats in programs in countries such as South Africa, Ghana, Mozambique, Botswana, Zimbabwe and Guinea-Bissau so that Africans struggling with democratization can see that human and civil rights are not only practiced in the West, but also in countries much like theirs. There must be increased support for human rights education. IRI and other organizations supporting democracy around the world have witnessed the inability of well-trained democracy advocates to effect the change they are qualified to achieve. Part of the reason for the delay in achieving democratic reforms is the lack of a developed civil society. Coming from differing traditions and often under rule by leaders devoted only to exercising power, African citizens often do not understand their basic rights. Last year, the United Nations declared the Decade for Human Rights Education.

In keeping with that spirit, the United Nations, other international organizations and individual governments must devote more resources to teaching average citizens about their rights and responsibilities.

African-based reporting on human rights is essential to achieving change. The U.S. Department of State each year compiles a comprehensive report on the status of human rights, nation by nation. Amnesty International tracks the cases of hundreds of political prisoners each year and galvanizes support for their release. Freedom House distributes an annual report that examines progress, or

lack thereof, on political freedom and now is including economic freedom. These reports are well done and essential in understanding human rights practices worldwide. However, if there is to be effective reform, then Africans familiar with the situation on the ground must be able to report on the available resources to implement change and their limitations and effectiveness so that successful policies can be enacted.

There must be a clear connection between specific human rights practices and Western aid and trade. African Governments must be clear on what will be tolerated and what is considered out of bounds in terms of the government's behavior toward its own citizens and foreigners. The same standards must apply to all African nations; unequal application only leads to disrespect of the basic principles we say we believe in. For example, Kenyans justifiably wonder why they are pressured to conduct multiparty elections and provide freedoms for their opposition political parties, when Uganda refuses to allow functioning opposition parties and conducts elections that are approved of by the international community. Perhaps the standards must focus on the measure of progress toward observance of human rights, but it must be a standard that can be broadly applied.

With the fear of reprisal, the Central African Republic has no state religion and guarantees freedom of religion.

At this point I would end the verbal testimony.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Simpkins.

Mr. Eldridge.

STATEMENT OF JOSEPH ELDRIDGE, DIRECTOR OF THE WASHINGTON, DC, OFFICE, LAWYERS COMMITTEE FOR HUMAN RIGHTS

Mr. ELDRIDGE. I will be brief. I am grateful to you for having this hearing to put the spotlight on human rights in Africa. I want to thank you both for your support for rights based on and rights respecting governments in Africa and elsewhere.

I think sometimes when we are doing the kind of exercise that we are doing here today we forget the important implications and ramifications this hearing has on Africa. The hearing gives voice and expression to those who had no opportunity to express themselves freely.

The topic is human rights in Africa. Whereas I can't claim any great expertise, I see the faces of the travail of Africa every day in our office as people in desperate conditions come for legal assistance.

As a human rights organization, we have maintained the focus on providing assistance to people who are forced to flee their countries. Our case load mirrors global events. In the eighties we had hundreds of Central Americans, Haitians, and Eastern Europeans. Today our case load is overwhelmingly African. Currently there are 20 million Africans uprooted out of their homes. One out of every 35 Africans has been forcibly displaced from their home.

Ms. ROS-LEHTINEN. One out of 30?

Mr. ELDRIDGE. One out of 35.

We hear firsthand from those who have suffered rape, child soldiers in Liberia, genocidal attack in Rwanda, imprisonment and

torture in Nigeria, death threats in Ethiopia, displacement in Somalia, female genital mutilation in Togo; and, incidentally, the case of Fasika Singa is now pending before the Board of Immigration Appeals, and we hope the board rules in favor of making FGM grounds for asylum. We believe the practice should be criminalized. I believe there are efforts in the United States to criminalize this practice.

We represent refugees from a spectrum of nearly 20 countries including Algeria, Angola, Ethiopia, Burundi, and the list goes on and on. In our testimony we have presented what I think are very compelling and poignant cases. I am not going to go through the cases, with one exception. That is Mr. Kalala, who is sitting with us right here.

Mr. Kalala, do you want to stand up?

He is a Zairian journalist, and his case demonstrates the enormous dangers faced by those who dare to uncover the corruption of oppressive dictatorships. In 1993, he researched and wrote an article in which he revealed the ethnicity of the members of Zaire armed forces and security police, confirming that the highest positions were heavily stacked with members of the Hutu tribe. He was arrested and threatened by the government. His situation soon became more severe. For 27 days he was held incommunicado, kept naked in a dark room, given no food, and tortured. In addition to severe beatings, the prison guards tortured him by forcing his head against a low ceiling with protruding nails and administering electric shock therapy. He admits he barely survived.

In 1994, he was awarded a very prestigious National Press Club Freedom of the Press reward for his courageous journalism. Though he was invited to the United States to receive the reward in person, he could not leave Zaire. Wearing a disguise, he nearly escaped but was intercepted. He was able to bribe his way out of jail, and came to the United States to receive the award, intending to return home.

While in Washington, he met with Anthony Lake to report on human rights in Zaire. Mobutu retaliated, arresting his wife and brother. After a long struggle, they were finally reunited in Washington. It is a happy story. He is now here with his wife and his daughter as an example of tremendous courage.

Ms. ROS-LEHTINEN. We welcome you here.

Mr. ELDRIDGE. Refugees tell the story of human rights in Africa. These stories offer a glimpse, I think, of the widespread breakdown of the rule of law. Refugee flights, we also must remember, have serious environmental, economic, and security consequences for neighboring countries. Liberia is a good example.

Ms. ROS-LEHTINEN. It was like St. Louis.

Mr. ELDRIDGE. Like St. Louis.

It was advertised on the front pages of our newspapers.

I have made a number of recommendations in my testimony. Since you can read them here, I am not going to read them. However, we didn't mention TPS. We urged the adoption of TPS, Temporary Protective Status, for refugees from Sudan, and the TPS designation for Somalia which is scheduled to expire in September; we urge that be extended.

In addition, we urge that the cutoff dates for the designations of Somalia and Liberia be moved forward to allow for protection of those who have fled since the original designation dates. I know a number of congressional letters have gone to the Attorney General. I think Congressman Payne has actively supported TPS. We appreciate congressional efforts to grant TPS.

There are a couple of other mechanisms that the committee might want to explore. That is, the Consultative Group (CG) which is made up of donors to African countries. The CG meets annually. The State Department, through USAID, has a very powerful voice in this donor's meeting.

In a number of situations I have witnessed the pressure that comes through donors. A sure way to get a government's attention is for donors to threaten suspension of aid. I think this is a very helpful mechanism.

I think there is great sympathy for using the leverage in the State Department and USAID. We need to use it more energetically and effectively with the consortium of donors to bring pressure on governments to change their behavior.

The World Bank has initiated a consultative process through the leadership of President Wolfensohn. The World Bank is engaged in developing participation action plans, and these will involve consultation with nongovernmental organizations, advocacy organizations, activists, as well as service providers.

Using these multilateral channels can also be explored through our executive director of the bank. We need to explore all our options for raising the stakes for offending governments through multilateral channels as well as through the bilateral mechanism of AID.

Thank you very much.

[The prepared statement of Mr. Eldridge appears in the appendix.]

Ms. ROS-LEHTINEN. Thank you so much. We will make sure all of your testimony will be in the record.

Rather than have me ask the few questions that I have, let me recognize Mr. Payne. And I am sorry again that John Shattuck left. I will recognize you now to make sure you get them in.

Mr. PAYNE. I appreciate your leadership in calling this very important meeting and hearing, and I think that usually there is so much to discussion that time doesn't permit, and I thank the gentleman before me for that very insightful report.

The whole question of democracy: We have been criticized, for example, by the Congressional Black Caucus for saying that democracy is something that is good, and we have gotten from the gentleman who wanted to testify here today but submitted for the record, he says there are a group of leaders in America—the Congressional Black Caucus and Jesse Jackson—who are the only ones who are really concerned about what is happening in Nigeria, and they say that we should do something in Liberia and Sudan and Zaire.

So I don't know if the gentleman, Mr. Lawrence Egodigwe from the Sterns School of Business in New York, has information on it. If he is here, let him know that we are pressing forward in all of those situations, and we have been, and that the question of his

black elites that seem to be taking this charge on, on picking on Nigeria, I just call for the attention of people—I get a copy of the *Nation* magazine that came out on May 20 that talks about, “Public relations blitz with an assist from black newspapers make Nigerian rulers look good and drive a wedge into the black community.”

It is an interesting article about the tremendous amount of money being spent by the Government of Nigeria——

Ms. ROS-LEHTINEN. Is that an elite publication?

Mr. PAYNE. Yes.

Let me just ask: There are no Africans there, but I just get puzzled when people who oppose our push for democratization, for human rights to be recognized, for people to have freedom of religion and expression, to be criticized as an African American, we don't understand Africans are different. They don't want democracy, said these people. They don't—torture doesn't hurt them. Evidently the right not to practice their own religion is something they take lightly.

These are charges that are made by: Why are you trying to impose your democracy? Because Africans are different and Africa, as the whole world is concerned, is the only place where people, as these so-called leaders say, African people are satisfied with the way it is; stop pushing your stuff on us; let our leaders continue to do what they do—rob, steal, torture, et cetera—because it is Africa and we don't mind, and you African Americans over there, you leave us alone.

Of course we do the same thing all around the world. We are trying to deal with the New Independent States in the old Soviet Union, and we are dealing with sanctions and trying to have the carrot and the stick approach to places like Bosnia and Serbia and the rest and in Nigeria, trying to see what is happening in Brazil, trying to see if we can stop the killings of black youth in Brazil and some of the problems going on in Colombia and Bolivia. We are all around the world. But these folks in these articles say Africa is different and leave them alone.

I don't know how any of you might want to respond to that.

Mr. SIMPKINS. First of all, I would urge you and the rest of the Caucus to keep on pushing for democracy because what you are doing is the right thing to do.

As I point out in the complete testimony, Africa has a long history of respect for basic rights. For example, we look at Sudan now, which is a country which is a great human rights violator, but the Moor people of Sudan many hundreds of years ago understood the rights of the individual and would not violate those rights. That was a long time ago.

Back in 1912, the African National Congress was founded in South Africa. There were white parties; there was the ANC; there were Indian parties. During the liberation movements of the thirties and forties and fifties, you had in a number of countries a myriad of groups that were fighting for freedom. Even in the first elections in many countries before there was “one man, one vote”, one time there were four or five parties running for office.

So the idea that democracy and freedom is alien to Africans is ridiculous. It isn't a concept that Americans originated. It isn't a

concept that we have kept to ourselves and only shared with Europeans. It is a universal concept.

We talk about inalienable rights that were given to each of us by God. They weren't given by human beings, and they can't be taken away by human beings.

I would urge you, when you are presented with that, as I know you are, to respond back with the history that pertains in many of these same countries which are now violating human rights.

Mr. ELDRIDGE. I hear from African women outrage at the efforts of governments to justify violence against women, female genital mutilation, on religious and cultural grounds as a legitimate expression of religion and culture. I hear from Africans themselves that this is a sham, it is a ruse, it is a pretext. International standards are established as normative throughout the world and they are universally accepted, and the treaties that most of the African countries have ratified establish binding legal obligation on these governments to respect basic rights.

Mr. LANSNER. Congressman Payne, I think perhaps it is very well that you are known by your enemies as well as your friends and people attacking you are talking about you because of your support for human rights in these countries. If everybody was happy with the situation, why would there be a need for repression and torture?

This comes—it comes out of Rangoon, Singapore, and Beijing. This is a common dictator's argument everywhere in the world, that people elsewhere don't understand that human rights are different in our countries, and it is manifestly not true because otherwise they wouldn't need to repress their people.

Last, especially this is the case of Nigeria, and we have seen in other African countries such as Gabon, these are sophisticated, paid lobbying efforts which are investing millions of dollars in the United States and elsewhere to try to influence public opinion, congressional opinion, media opinion, to try to convince people that the situation in countries is not so bad, it is just misunderstood. I don't think they are fooling anybody, especially you.

Ms. ROS-LEHTINEN. It is hard to fool Mr. Payne.

Mr. PAYNE. I think advertisement in papers and television commercials is almost like a liberal campaign. I would hate to have to run against them.

Let me just also quickly—we have a second bill, and I guess we will have to leave at that time—as you look at some of the countries that have been attempting to move to democratization, the tragic situation in Mozambique and Angola, what is happening in South Africa?

Some of the fairly successful, even Uganda, they had elections and took over. And Rollins, you can criticize him, but at least they are giving limited democracy a chance. In the old days, if you took over by gun, you kept it, you didn't have to try this experiment. Maybe they keep the gun; they want to go back to the fighting.

Would you give some of those countries that I mentioned at least more than a—even Ethiopia, and I kind of have problems a lot with my good friend, Mr. Johnston, who is really not in Ethiopia when we compare to the Mojitsu but maybe that is a bad start, and any-

thing is better, but has become, you know, not enemies, and they are trying to have a one-party and become pretty heavy handed.

Do you think that the countries I mentioned, that things were a little bit better off? Not that we should commend them. We need to keep the pressure on. Do you see gradual improvement in some of those countries I mentioned?

Mr. LANSNER. I think there have been serious improvements in a number of countries.

Uganda is a place where we should encourage to open up the political system, but if you compare it to the decade of Amin and Obote where a half million people were killed, it is a definite improvement and life in Uganda is much better than it was.

Ethiopia is a similar situation where there is a gradual process of opening. And the fact that places like Benin, Botswana, Namibia are increasing in the Congo give us a real feeling that there is serious African support for democratization and African institutions are taking a real hold.

I think there is every reason to believe that the dictators say democracy won't work in Africa because we have living examples now where it is working.

Mr. SIMPKINS. I would say I have been gratified by some recent developments in countries where there is an interparty committee which is meeting on a regular basis with the election commission, and they work successfully in registration of voters in the fall, working to reduce the problems they had in 1992 with the election process which caused a boycott of all the opposition.

So a similar situation may be developing in Kenya, and I think to the extent that dialog can be encouraged and that there can be some progress, the United States and the rest of the donors should support that.

Even in situations like Sudan and Nigeria we should encourage dialog. I think, as you are well aware, the sanctions in South Africa had a tremendous effect, but that wasn't the only strategy we used.

I heard, I think, the Chair asked earlier about sanctions on Nigeria. If that were the only tactic, I don't think it would really move us to where we need to go. I think that is certainly something to consider, but we need another mechanism to be able for them to move to. We need a process that brings together the military, the civil society, the politicians, because Nigeria is a country that has been under military rule for most of its independence. Certainly there is a problem with all of the segments of society having a government and a process of elections that they can all buy into.

So insofar as we can encourage that kind of a broad dialog, which they really haven't had yet, I think the better for Nigeria.

Mr. PAYNE. Let me just say about Nigeria, the U.S. Government has really bent over backwards in attempting that dialog. I was very critical of my own Democratic Party's policy. I thought it was going too slow and too appeasing. We sent Ambassador—what is his name?—former U.S. Ambassador McHenry quietly over there for a year. I didn't even know he was sneaking over there. They were trying to do everything to give the Nigerian Government the opportunity. And when we all sent letters asking them not to execute Ken Saro-Wiwa—I sent a letter, President Clinton sent a letter, that the commonwealth was meeting in Asia, and that morn-

ing, after all of this communication was received, Abacha gives the execution and these nine people were hung.

And so they are saying, we don't care what the world says, we are Nigeria and we do anything we want to do.

I am not an opponent of immediate sanctions by itself. I agree with you; I am not sure that would be the way. I don't know, though, how much longer we are going to be able to tolerate this arrogance of power that we have been seeing by the Nigerian leadership.

Ms. ROS-LEHTINEN. Thank you so much, gentlemen. I apologize for all the breaks for votes. Thank you for your excellent testimony.

[Whereupon, at 4:45 p.m., the subcommittee was adjourned.]

APPENDIX

THE CURRENT HUMAN RIGHTS SITUATION IN AFRICA

TESTIMONY OF

THE HONORABLE JOHN SHATTUCK

ASSISTANT SECRETARY OF STATE
FOR DEMOCRACY, HUMAN RIGHTS AND LABOR

BEFORE THE

SUBCOMMITTEE ON AFRICA

COMMITTEE ON INTERNATIONAL RELATIONS

U.S. HOUSE OF REPRESENTATIVES

MAY 22, 1996

OVERVIEW

Madame Chairman and Members of the Committee, Africa is a continent of great diversity that resists generalization. It contains one quarter of the globe's landmass and ten percent of its people. In recent years, some notable human rights successes have occurred in Africa, as have some of the most horrendous human rights violations of our time. African leaders range from democratic heroes like President Mandela of South Africa to military strongmen like the authoritarian General Abacha of Nigeria. African governments run the gamut from the successful new democracy of Namibia to the fratricidal warlords of Liberia. In short, we see in Africa the same fundamental trends at work elsewhere in the world, the same human rights problems and the same democratic possibilities.

These widely varying circumstances have led us to develop a broad range of strategies, approaches and programs to promote democracy and respect for human rights on the continent. Let me mention just a few of these.

- o First, we have pursued an active policy of direct, bilateral contacts with African governments on a broad scope of human rights concerns, from encouraging democratic transitions to intervening on behalf of political prisoners.

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- o We have used our annual Human Rights Reports to Congress as a tool to monitor human rights situations in every country on the continent and to highlight abuses and problems that merit attention and recognize progress when it occurs.
- o We have developed a variety of assistance programs and mechanisms to support countries in transition to democracy. These include both major AID programs and much smaller grants for programs to promote human rights and build democracy, including support for grass roots efforts to develop democratic institutions, both governmental and non-governmental.
- o Through the expanded International Military Education and Training program, we have launched programs to help African military leaders understand the proper role of the military in a democracy.
- o We have provided assistance to build free labor unions as a vital component of free societies in Africa.
- o Multilaterally, we have helped establish UN human rights monitoring programs and contributed to UN programs of technical assistance in the field of human rights.

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- o We helped establish, and have provided continuing political and material support for, the International War Crimes Tribunal on Rwanda.
- o We have also supported African efforts to end human rights violations, including Organization of African Unity peace-keeping efforts.
- o Where circumstances warrant, we have sponsored resolutions in the United Nations General Assembly and the UN Commission on Human Rights critical of particular governments.
- o We have imposed arms sales restrictions on countries where major human rights violations have occurred.
- o In the most egregious cases, we have imposed a variety of sanctions to demonstrate our disapproval of regressive actions and repressive regimes.
- o And -- in addition to policies targeted specifically at human rights -- we have engaged in active diplomacy towards peace on several of Africa's internal conflicts which have been the source of some of the continent's most serious human rights violations.

PROGRESS

I would like to speak today both about some of Africa's success stories and about some of the situations which concern us most. In Africa today there is growing respect for human rights and democratic values. More African states have democratic governments today than at any time since the early years of independence. The most positive aspect of this trend is that it is an indigenous movement. Africans have themselves insisted on ending military dictatorships and repressive one-party systems. They have freely chosen the path to democracy and improved observance of human rights. But, many of the new democracies of Africa are fragile, beset by poverty, ethnic divisions, and the legacy of failed policies of authoritarian regimes of years past. Our goal has been to foster democratic systems and support states that have embarked on democratic transitions.

Not surprisingly, South Africa heads the progress list. For decades the focus of global concern and the scene of some of the worst human rights abuses of our time, South Africa has witnessed extraordinary progress in the space of just a few years.

The leadership of President Mandela and Mr. de Klerk has provided an example of courage in reconciliation that many around the world will want to emulate in the years to come. The recent disagreements regarding the final shape of the South African Constitution in no way diminish the magnitude of this historic

Elsewhere in Africa, democratic gains are being consolidated and reforms are steadily taking root. These developments are taking time, but experience has taught us that perseverance is the only sure route to sustainable progress.

- o In Mali, the democratic progress of the historic 1992 elections continues, despite the severe poverty facing the country.
- o In Malawi the government maintained the commitment to democratic progress manifest in the 1994 elections.
- o Benin is at this point a full-fledged constitutional democracy, which recently held its second presidential election, resulting in a peaceful transfer of power.
- o Congo, despite the unrest that accompanied the early stages of its transition, now has fully functioning democratic institutions and has seen a concurrent decline in human rights violations.
- o In Namibia, democratic institutions continue to take root. For example, its parliament recently passed a law providing full legal equality for married women.
- o And, in the face of severe difficulties, this year Sierra Leone held its first free, fair and open election.

In each of these countries, the U.S. vigorously supported progress through a combination of assistance programs, diplomatic efforts to sustain democratic momentum at crucial moments and active encouragement of grass roots human rights and democracy activists.

Even where governments have remained oppressive, as in Togo and Kenya, parliaments have begun to hold the executive branches accountable.

I would add that the experience of these countries discounts the familiar notion that democracy must be preceded by economic development.

GRAVEST CHALLENGES

Despite this record of progress, severe human rights problems persist in many African countries. Broadly speaking, in Africa as elsewhere around the world, we see two kinds of human rights abuse: violations by strong authoritarian government, and abuses arising from conflicts within states, often accompanied by the cynical manipulation of ethnic and religious differences. A common thread is the pervasive lack of accountability to the people and to the international community and the lack of adherence to fundamental norms of international human rights.

Burundi

Last week I returned from my third visit to Burundi. The situation there has entered a critical period. The spiral of violence is escalating, while voices of moderation are being sidelined. Extremists on both sides are launching increasingly bold and dangerous attacks. In Bujumbura, I saw evidence of terror by both sides. I visited a hospital on the outskirts of the city that had been attacked by Hutu insurgents. Nearby, I visited a Hutu displaced persons camp attacked by Tutsi extremists. I also heard reports of military massacres in outlying villages and assassinations by both sides of moderate parliamentarians and local officials, including the brutal killing of three women members of parliament in recent weeks.

Unfortunately, too many leaders on both sides are focused on casting blame rather than on taking responsibility for finding a solution to the crisis of violence. Extremists are cynically manipulating ethnic differences for their own narrow ends. There is an urgent need for moderates from both sides to take concrete actions to isolate extremists. I saw little evidence of willingness on the part of moderates to exercise leadership. This is perhaps not surprising given the personal danger to those advocating moderation in today's Burundi.

We are taking a variety of steps to deal with this situation:

- o We are increasing our diplomatic efforts in Burundi to encourage stronger leadership by moderate Hutus and Tutsis, both civilian and military. In addition to my own visit, National Security Advisor Tony Lake visited Burundi this month to urge an end to the violence. Special envoy Richard Bogosian, who joined me in Burundi, is devoting his full energies to pursuing an end to the violence.
- o In addition to our bilateral efforts, we are lending active U.S. political support to the talks sponsored by former Tanzanian President Julius Nyerere. These discussions currently hold out the best prospect of a peaceful solution. We are encouraging other quiet contacts among key leaders.
- o We are working towards a coordinated approach with key European allies.
- o We have begun multilateral contingency planning on how to prevent a possible human rights disaster.
- o We are exploring the feasibility of expanding the five-person UN human rights monitoring operation in Burundi as a confidence-building and preventive measure.

- o And, we are working to keep the international spotlight on the situation, as our experience shows that international attention has helped reinforce moderate tendencies there.

None of these actions, however, will substitute for a negotiated solution to the internal conflict, which we will continue to pursue.

Rwanda

The situation in Rwanda remains difficult, but there are clear signs of progress. In the year since my last visit, the Rwandan justice system has progressed significantly, demonstrating the impact of assistance combined with sustained diplomatic engagement. The process is on track. Key legislation is moving ahead, including the genocide law. I visited three prisons and emphasized to Rwandan authorities our concern about horrendous and continuing overcrowding.

The War Crimes Tribunal is making good progress in its work. Rwandan Government leaders with whom I met saw the benefit to Rwanda of having key figures in the genocide tried by the International Tribunal. I urged these government officials to continue their cooperation with the Tribunal. Similarly, I met with Tribunal Prosecutor Judge Rokotomanana, and in Washington this

week with Justice Goldstone, and stressed to them the importance of aggressive and expeditious work by the Tribunal in issuing indictments of the genocide leaders who were recently arrested in other countries. Eleven now in custody in Cameroon, Zambia, Switzerland and Belgium, will be extradited soon to the Tribunal in Arusha. The U.S. support for the Tribunal remains a key element of our Rwanda policy. In addition to the crucial work of the Tribunal, I should mention that the UN Human Rights Field Mission in Rwanda is now operating successfully and has become an important force in helping build stability and prevent human rights violations.

Nigeria

As you know, Madame Chairman, Nigeria's human rights situation is becoming increasingly serious, as was highlighted by the execution last November of internationally-respected writer and activist Ken Saro-Wiwa, along with eight other environmental and human rights Ogoni activists, the continued detention of democratic leaders on charges of treason, the recent arrests of prominent human rights activists and assaults on the media, and the Government's recent disruption of two conferences co-sponsored by the U.S. Government last March.

Nigeria's size, its population -- one quarter of sub-Saharan Africa's people -- its regional and economic heft, all deepen our interest in Nigerian democracy, peace and stability. I would add

that the thriving energy trade of U.S. firms with Nigeria presents those firms with an opportunity and a responsibility to join in our efforts to foster positive change in Nigeria. And Nigeria clearly demonstrates the ways in which environmental and human rights issues can be deeply implicated in each other.

We strongly believe that Nigeria's people can succeed in building a better future if stable, democratic government is allowed to thrive. Without that, the cycle of deterioration and repression is likely to continue.

Since seizing power in November 1993, General Abacha has presided over a regime that regularly violates human rights and commonly engages in extrajudicial killings and excessive force to quell dissent. The three-year timetable for democratic transition announced by General Abacha on October 1 seems to us too lengthy to be credible, and the government has since taken steps that undercut its credibility in this process. The real test will come in the fall, when there is to be registration of political parties, followed by local elections. We will be closely monitoring these developments.

In response to the deteriorating situation, the United States has imposed a number of sanctions on the Abacha regime, first in the immediate aftermath of the coup, and then in response to last November's executions. In response to the 1993 coup we terminated all military assistance and training, terminated all non-security assistance except for humanitarian, democratization and social

sector programming, and imposed visa restrictions on those who formulate, implement or benefit from policies hindering Nigeria's democratic transition, and their families. Following the denial of counternarcotics certification in April 1994 the US has been required to vote against Nigeria in the chief multilateral development banks, cease nearly all OPIC, EXIM and USAID assistance and program remaining assistance through NGOs and PVOs.

Since the execution of the Ogoni Nine on November 10, we have banned the sale and repair of military goods and services, extended the visa ban to all military officers and civilians who implement or benefit from the impeding of Nigeria's democratic transition and now require Nigerian officials visiting the UN or international financial institutions to remain within 25 miles of those organizations.

At the UN we took the lead in seeking a General Assembly condemnation of the killings, which passed overwhelmingly, and co-sponsored a resolution at the UN Human Rights Commission in Geneva.

We are currently consulting with our allies on further measures. We do not rule out any sanctions, and strongly believe that multilateral measures would be the most effective. We are in particular looking at measures which would target the leadership, who are the beneficiaries of repression, rather than the people.

We have been devoting to this consensus-building a great deal of time and effort. We have in general been pleased with the responses we have received thus far. On April 23, the Commonwealth Ministerial Action Group recommended several measures against the regime, such as visa restrictions, a sports ban and severance of military ties, and has recommended further consultation on economic measures. Other bodies, such as the European Union, and President Mandela, are demonstrating leadership in this effort.

In the long run, Madame Chairman, our hopes for Nigerian democracy rest with the Nigerian people. When allowed to participate in political activity, the Nigerian opposition has shown strong grassroots support. The strikes of the summer of 1994 and the boycott of the National Constitutional Conference Elections, along with the country's vibrant, albeit repressed, journalistic community, all offer eloquent testimony of support for democracy and human rights within Nigerian society.

Zaire

In Zaire, after 30 years of authoritarian rule, President Mobutu remains firmly in control, despite his seven-year-old promise of democratic reform, and his authority continues to rest importantly in his ability to mobilize potential supporters and in his control of key security forces. Respect for human rights is a major concern of the United States in Zaire. Although the Kengo government has made progress in improving the situation - notably

the release last summer of most, if not all, remaining political prisoners and opening up government-controlled television and radio to the voices of the political opposition--the Mobutu-controlled security forces continue to perpetrate abuses of human rights.

President Mobutu's security forces have been responsible for intimidation of the political opposition and journalists. Additionally, Mobutu's allies in Shaba province perpetrated a vicious campaign in 1993 and 1994 of ethnic cleansing directed against ethnic Kasaians which resulted in the displacement of more than 500,000 persons. The United States has condemned these abuses of human rights, and will continue to carry a strong message to Zaire's political leadership that the human rights situation in Zaire must improve.

At the same time, U.S. policy has strongly supported efforts to establish democracy in Zaire. We have--working at times in concern with France and Belgium, supported efforts of Zairians to bring Zaire's long transition to democracy to a successful conclusion, including by assisting pro-democracy and human rights organizations and pressuring the government to make concrete progress. At the same time we have attempted to pressure President Mobutu to cooperate with the transition. To advance this message, we have denied visas to him and others who have impeded the transition, and made clear that his cooperation is essential to normalized relations with the United States. And, at the just-concluded session of the UN Human Rights Commission, we sponsored a resolution sharply critical of the situation in Zaire.

In addition to the disturbing internal situation in Zaire, one of the most troubling aspects my recent visit to central Africa was evidence I gleaned that the developments in the eastern part of the country threaten to further destabilize the situation in Rwanda and Burundi. I heard that insurgent forces operate into those countries from bases in Zaire. In addition, Hutu militants in eastern Zaire have carried out a campaign of ethnic cleansing against Zairian Tutsis. While I was in Rwanda, I interviewed several Zairian Tutsis in refugee camps who described scenes of ethnic cleansing that sounded chillingly similar to stories I have heard in Bosnia.

Because of our deep concern over these issues, and our belief that Zaire can play a role in the process of negotiating a solution to this regional crisis, a team consisting of Assistant Secretary George Moose and other officials went to Zaire earlier this week. They met with President Mobutu and Prime Minister Kengo to discuss the current crisis in Burundi and ways Zaire can make a positive contribution to resolving this crisis. The team also underscored our concern for President Mobutu's cooperation in support of an open and transparent democratic transition process.

Sudan

Sudan has also seen a continuing pattern of gross violations of human rights as detailed in our Human Rights Report. For 12 years, Sudan has suffered the slow hemorrhaging of a long, bitter civil

war. Both the Government and insurgent forces are responsible for serious human rights abuses. Government forces carry out massacres, extrajudicial killings, kidnappings, forced labor, slavery and forced conscription, on a broader scale than opposition forces. The government's forced campaigns of Arabization and Islamization serve to fuel the southern insurgency. The rebels for their part continue to restrict human rights in the areas under their control and are themselves responsible for extrajudicial killings, kidnappings and forced conscription.

Human rights abuses related to the chaos and horror of war continue but there is also a pattern of serious abuses associated with the government's attempt to subjugate opposition; one aspect of that campaign may be the taking of slaves by the army of Sudan or forces under its control. The past year has seen an alarming increase in reports of the seizing of civilian captives, particularly in war zones. There were also credible but unconfirmed reports that women and children were sold and sent abroad to work as domestic servants, agricultural laborers, or sometimes concubines.

The Sudanese government's stance on this issue has been wholly uncooperative.

The isolation of the regime in Khartoum and its hostility toward the U.S. have made it difficult for us to pursue this issue bilaterally. Yet we have been active in bringing these issues before the international community, and especially before the

organs of the United Nations. Since 1993 we have taken the lead in introducing resolutions on Sudan in both the UN General Assembly and in the UN Human Rights Commission. At the Human Rights Commission last month, we won Sudanese agreement to accept a visit by the Commission's Special Rapporteur, who is the UN's official human rights investigator.

Mauritania

As we said in our Mauritania human rights report released last March, there are reports of persons continuing to live in conditions of involuntary servitude. Tens of thousands of persons whose ancestors were slaves still occupy positions of servitude and near-servitude. Although such practices as coercive slavery and commerce in slaves appear to have virtually disappeared, many remain in situations of unpaid or poorly paid servitude for lack of better alternatives, or lack of knowledge.

There are no reliable statistics for the number of former slaves continuing to work for the same families as they did before the emancipation of 1980. The government has undertaken educational campaigns and permits anti-slavery organizations to operate, and several successful judicial challenges have been mounted to former masters.

The United States has made the issue of the vestiges of Mauritanian slavery a top priority in our bilateral relationship. We have and will continue to urge the government to address the

problem through proactive measures such as campaigns to educate the people about their rights, and providing funding to human rights organizations. We have also encouraged the government to work with the UNHCR to repatriate those Mauritanians who fled or were expelled from the country in 1989-1991.

Advancing Women's Rights

In Africa as elsewhere, Madame Chairman, we are increasingly seeing the linkages between improvements in the legal, economic and social status of women and progress in democracy and human rights. As the First Lady recently reminded us, "women rights are human rights and human rights are women's rights." The empowerment of women through literacy and education, legal reform and better access to health care is a crucial factor in fostering pluralism, self-government, free expression and a just social order. The African continent is home to a vibrant grass roots movement in support of women's rights, as was demonstrated at last September's UN Conference on Women in Beijing.

We are currently engaged in several issues relating to women's rights. On the issue of female genital mutilation we are actively studying ways in which we can further address this problem. As you know, we report on the issue of female genital mutilation in our annual human rights report; we are moving to push this interest forward. I have recently formed a working group inside the human rights bureau to ensure that this issue is raised in bilateral human rights dialogues and in appropriate multilateral fora.

Moreover, the Immigration and Naturalization Service has recently argued in a case involving a young woman from Togo that female genital mutilation could be grounds for asylum on a showing that this practice, which is frankly "offensive, and even shocking to American judgment and sensibility...would be imposed on the basis of her membership in the...group of young women (of her people)...."

Our embassies give a broad range of support to women's groups throughout Africa. For instance, we have raised with other governments our support for legislation to ensure the legal equality of married women, who are considered minors in a number of countries. Through the Democracy and Human Rights Fund, also known as the 116e program, we have funded efforts by women's groups to inform women of their legal rights and assist women seeking legal representation.

Roughly half of the grants made under the 1996 Democracy and Human Rights Fund are going to benefit local, non-governmental organizations that seek to educate the African public on women's rights, to combat violence against women, and promote women's participation in politics. This year, for example, in Sierra Leone and Rwanda we will support and work with women's groups trying to advance peace, reconciliation and democracy through programs fostering communication across ethnic lines.

DEMOCRACY PROMOTION EFFORTS AND NGOS

Democracy Promotion

Before closing, Madame Chairman, I would like to discuss some of our programmatic efforts at democracy promotion in Africa.

It goes almost without saying that democracy promotion and human rights go hand-in-hand, as democratization offers the best long-term hope for structural, sustained improvements in human rights. A variety of U.S. government entities, including AID and the National Endowment for Democracy, have undertaken a number of efforts aimed at democracy promotion in the continent. I call your attention to the Department of State's efforts in this area.

Our Africa Regional Democracy Fund, for which we have requested \$10 million ESF for FY '97, is a responsive, flexible and innovative program which specifically addresses the need to support democracy in countries in transition as well as in emerging democracies. It will provide technical assistance for elections, as well as civil society and democratic institution building. Working with American NGOs, the regional fund can assist even in those countries which do not have an AID mission. Its programmatic objectives are threefold: (1) to support elements of African civil societies which promote human rights, pluralism and accountable, responsive government; (2) to support the emergence of leadership chosen through regular, open and transparent electoral processes; and (3) to support the development of responsive and accountable government institutions which uphold the rule of law and sustain ~~the balance of power~~

Designed to respond to African electoral needs, on a quick-impact basis, the African Regional Electoral Assistance Fund has produced results in a score of countries. The Fund played a significant role in the recent elections in Sierra Leone, by supporting broad-based civic education and providing international election monitors. The Fund will also be used to assist with the reintegration of demobilized soldiers into the private economy and training women for political participation and public office.

I have already mentioned the assistance to the Rwandan judiciary that has yielded solid results. Other Fund programs operate in some eight countries. The effects of these efforts are all the more striking in light of the modest sums involved.

Finally, the 116e funds that I mentioned earlier provide highly-targeted grants to grass roots democracy, human rights and civil society organizations with which our embassies are in direct and ongoing contact. Through these small projects, our Embassies have helped local groups address the full range of issues I have discussed here today, from promoting democracy to improving human rights monitoring, advancing women's rights and fostering reconciliation in war-torn countries.

This support of grass roots NGOs targets the essence of our efforts to promote human rights in Africa. Human rights and democracy promotion support the courageous commitment of people who reflect their own societies' histories, and their own commitment to

human rights principles. The involvement of NGOs offer the best long-term hope for meaningful accountability. African democracy and human rights activists are among our most important friends in all the world. These men and women throughout Africa are working to create better lives for themselves and their children and their communities, often in the face of great hardship and with great courage. The people of Africa are endowed with inalienable rights to freedom and dignity and we are committed to helping them realize those rights.

**U.S. House of Representatives International Affairs Committee
Sub-Committee on Africa**

**Testimony submitted by Thomas R. Lansner
Senior Consultant
Freedom House
22 May 1996**

It is over a year since I last had the privilege of testifying before this committee. The time has been one of mixed news from Africa. Afro-optimists and Afro-pessimists could each find ample material to argue their cases.

Democratic consolidation continued in South Africa, Benin, Botswana and Namibia. Tentative peace pacts strengthened in Angola, Mali and Niger. In Algeria and in Sierra Leone, voters defied intimidation in massive turnouts that were clear calls for an end to the terrible violence wracking those countries.

But there are very serious problems. Liberia's fragile peace slipped again into open warfare and immense human suffering. Niger's democratic government was overthrown by the army, and soldiers have mutinied twice in the past two months in the Central African Republic.

In Rwanda, costly ethnic conflicts simmers, little helped by new government's excesses or antagonism for it displayed by supporters of the former genocidal regime. Burundi remains a highly volatile flashpoint, and threatens at any moment to explode into all-out ethnic warfare. National disintegration looms in Zaire. Yet long-serving dictator and kleptocrat Mobutu Sese Seko reclaimed international standing this year. In Kenya, the Moi regime uses torture and intimidation to further entrench its authoritarian rule.

Nigeria's dictator General Abacha's oppressive and divisive policies threaten to engulf Africa's most populous country in a conflagration that could rival Rwanda's recent tragedy in intensity and dwarf it in scale. Sudan's junta has added genocide to the tools it employs in hopes of crushing all resistance to radical Islamist rule across a vast land of racial and religious diversity. Islamist fundamentalist movements pose increasing threats across North Africa, where governmental repression and corruption have fanned popular resentment and support for extremism. And there is threat of renewed war in Western Sahara, where the United Nations has apparently wearied of Moroccan obstruction of a long-delayed referendum and is set to withdraw its monitoring team.

Yet a few indicators point to long-term positive change in Africa.

One is that protection of fundamental freedoms could become a norm African leaders respect themselves and demand of each other. President Mandela's clear acceptance of the authority of South Africa's Constitutional Court in September is an example of the former. His call to censure and sanction Nigeria's dictatorship after its November murder of minority rights campaigner Ken Saro-Wiwa exemplifies the latter.

During more than thirty years of independence, most Africans leaders have very rarely criticized any other African regime for human rights abuses. Years of repression, massacres and genocidal ethnic cleansing have passed in various African states with nearly no public expression of consternation, much less condemnation, from their neighbors or the Organization of African Unity (OAU). But Saro-Wiwa's execution after a mock-trial evoked an instant and angry reaction from President Nelson Mandela and his African National Congress colleagues, who had vigorously lobbied the Nigerian generals to grant clemency. The South Africans demanded stiff international

sanctions against Nigeria to force the generals there to hand power to a properly-elected government.

For all his moral authority, Mandela's effort to isolate the Nigerian junta has so far been stymied. Many industrialized countries and multi-national corporations are all too comfortable in doing business with corrupt and dictatorial regimes. And most Africans leaders still refuse to criticize their counterparts. Yet the fall of the shibboleth of African leaders non-discussion of human rights abuses by African-run governments could prove an important omen. It could increase pressure on authoritarian African states to loosen repression and allow democratic development. For democratic governments in Africa, respect for fundamental freedoms may begin to matter more than physical proximity or continental identity in assessing bilateral relations.

The UN vote last December to condemn the Abacha regime for killing Ken Saro Wiwa tells us a clear story. African countries that voted against the resolution were Burundi, Chad, Gambia, Libya, Nigeria itself, Sierra Leone and Togo. This was a list of some of the continent's worst human rights violators. All were dictatorships or military-dominated regimes. And joining them to *Just Say No* to human rights were only three other countries from the entire world: Burma, China and Iran. This is company any dictator would be proud to keep.

And which African countries were among the 98 nations voting to condemn the Abacha regime? Botswana, Malawi, Mali, Mauritius, South Africa and Zambia, all among Africa's freest countries, all voted for the resolution. Lesotho and Zimbabwe did as well, most likely under the moral influence of President Mandela. Clearly, Africa's new democracies understand the importance of human rights. Sadly, Africa's dictators still don't get it.

But much more than rhetoric should now be turned against the Abacha regime. What would hurt Nigeria's dictators most is an oil embargo. The United States government should lead—by example—an international effort to impose a total oil embargo against Nigeria that would not be lifted until a genuinely-elected government is allowed to assume power there.

Returning to South Africa, President Mandela's clear support for human rights throughout Africa is not the only encouraging news from that country. Democratic consolidation continues. The new constitution includes strong provisions protecting human rights and civil liberties. Local elections completed the transition to majority rule down to the community level. However, optimism is tempered by violence and political infighting that delayed voting in some areas not dominated by the ruling African National Congress. Ethnic and racial tensions remain a potential tinderbox. Institutionalization of the rule of law is urgent priority for any diverse society, and especially South Africa, which faces considerable uncertainties when Nelson Mandela's moderating influence no longer looms over the political landscape.

The scorecard on democratic development elsewhere in Africa runs the gamut from genuine openness to cynical manipulation of electoral systems. In Benin, Botswana, Mali, and Namibia, genuine multiparty systems seem to be taking firm hold. Other transitions, as in the Central African Republic, Malawi and Mozambique, are more tenuous, with hangovers of war or authoritarianism still clouding long-term prospects. In Zimbabwe, a strong patronage system and state media domination made a sham of recent elections, and are creating de facto conditions for the one-party state for which president Robert Mugabe has clearly expressed his preference. Ethiopia's May 1995 election produced the country's first-ever popularly-elected government, although an opposition boycott and intense government harassment of media and political activists seriously devalued that achievement.

Even more of a non-contest was Côte D'Ivoire's presidential race last October. Incumbent President Henri Bédié's strongest rival was barred from the contest. Bédié was returned by overwhelming majority of the few voters who turned out to endorse the pre-ordained result. The same month saw elections in Tanzania marred by both fraud and utter disorganization. Many international observers believe the ruling party plainly stole the elections on the island of Zanzibar, while those on the mainland were so poorly-run that it is difficult to judge the validity of the results there.

Leaders of successful guerrilla struggles continue to rule in Eritrea and Uganda, apparently with broad popular support. Constitutional consultations that included extensive public participation were undertaken in both countries. Both presidents, Issayas Afwerki in Eritrea and Yoweri Museveni in Uganda, carry a personal reputation of integrity. Uganda's open market economic revival receives international praise, as does Eritrea's determined pursuit of reconstruction after its costly 30-year war for independence. But in both countries, pressure against the independent media and ruling party dominance raise doubts regarding even gradual transitions to truly open societies.

Museveni's landslide election victory earlier this month appears credible—but he must be encouraged to keep his promise to open the political system to the genuine debate best provided by a multi-party system and an open media.

Even in two of Africa's largest and most repressive countries, Nigeria and Sudan, where dictatorial regimes rule with ruthless disregard for the wishes of their peoples, there is an effort to present at least the appearance of an electoral process, although in these cases, little more than lip service is being paid to notions of pluralism and popular representation.

Supporters of the democratic process should be very careful not to give credence to what an April report by the International Institute for Strategic Studies calls "donor democracies," which fulfill only the minimum requirements to keep foreign aid from being suspended. "D+" elections might buy time and money in the international community, but are unlikely to lead to the transparency and accountability that is a threshold for peaceful development.

On Africa's west coast, Presidents Paul Biya of Cameroon, Omar Bongo of Gabon and Gnassingbé Eyadéma of Togo still cling to office. Each is about mid-way through a term of office "won" in an election neither free nor fair. Each enjoys strong military support. Just as crucial, each enjoys the strong political, economic and military support of France, which has extensive commercial interests in all three countries and long and close ties to their authoritarian leaders. Also in West Africa, The Gambia's young army coup-makers still talk of a return to the civilian rule they overthrew in 1994. There are few signs, however, that they are in any hurry to do so.

Several other countries also continue to suffer harshly authoritarian regimes. In Zaire, the country's slow unraveling toward utter anarchy goes on. But even as his country teetered closer to collapse, President Marshal Mobutu made good use of Rwanda's misfortunes to help reverse his own. Shrewdly manipulating the hundreds of thousands of Hutu refugees on Zairian soil and conflicting agendas of Western countries in Central Africa, Mobutu cast himself as a key actor able to spark or stay a new round of ethnic war. His reward for so far maintaining a relative peace has been official redemption among Western governments that not long ago were ostracizing him as a corrupt and dangerous despot.

Mobutu maintains his leverage by reportedly allowing extremist Hutu factions—among them many of the planners and perpetrators of the 1994 Rwandan genocide—to regroup and rearm on

Zairian soil. According to reports by human rights investigators, these groups have received weapons and training from France, in another manifestation of the highly questionable role of the French government, military and secret services have played in the ongoing Central African tragedy.

Last week, the French government finally authorized its courts to try those accused of genocide who have thus far found safe haven in France, and recognized the authority of the international tribunal based in Tanzania to request extradition of such suspects if it chooses. The US government should press France to be a friend in Africa. With its strong economic ties to many countries, its military presence across the continent, and demonstrated political willingness to intervene, France will, for better or worse, continue to play a major role across Africa. Yet its strong backing for several authoritarian regimes must today be considered a major roadblock to democratic development.

Architects of the Rwandan genocide are also afforded refuge in Kenya, where President Daniel arap Moi steadily pulls further back from any tendencies towards liberalization conceded under heavy donor pressure in the early 90s. A combination of harassment, politically-motivated judicial actions and physical attacks are being used to intimidate opposition activists. Moi's reaction to domestic and international criticism is to accuse local opponents and foreign governments of ever more byzantine plots to unseat him.

Across the Maghreb, new alliances and tactics evolved to confront Islamist radicals who demand strict theocratic rule. In Algeria, nearly four years of savage and shadowy civil conflict has killed about 50,000 people. The strong turnout in last November's presidential polls could convince leaders of the banned Islamic Salvation Front (FIS) to compromise with the military. Yet both camps are divided: extremists of the Armed Islamic Group (GIA) want nothing less than a strict theocracy; army hardliners seek a total military victory. Guerrilla attacks on civil society and government repression of civil rights continue. And the killing goes on.

Libya faced greater internal tensions in 1995 than at anytime since Colonel Mu'ammar al-Qadhafi came to power in a 1969 coup, as armed Islamist groups clashed with security forces in a growing challenge to Qadhafi's dictatorial but secular regime. Libya's long-frayed relations with its neighbors improved in 1995 as they saw a common Islamist threat to their respective regimes. In Tunisia, continued economic growth and secular moderation has won President Zine el-Abidine Ben Ali some genuine support at home and abroad. But mounting repression makes sure that any real opposition and most criticism is kept under wraps, quite literally in the case of thousands of alleged Islamic fundamentalists or their suspected supporters now in detention. And in Morocco, King Hassan II's long-term program of controlled democratization proceeded through 1995 with a continued mix of greater openness spiked with occasional repression.

Yet there are also a few more hopeful signs in Africa.

One is increasing consensus that much closer economic cooperation and even integration is a prerequisite for growth. The allegedly sacrosanct premise that Africa's inherited colonial boundaries are forever inviolable is open to question. The notion is already challenged by Eritrea's independence in 1992 and the de facto sovereignty of Somaliland. Other intractable ethnic conflicts may never be resolved without some redrawing of frontiers. But however political entities are reconstructed, the idea that African states can rationally exist separately as viable economic entities must be banished quickly and forever. Africa must accelerate moves toward broad economic integration if the continent is ever to escape the instability inherent in grafting the superstructure of a modern state on a severely underdeveloped economy.

The Western world played a dominant role in creating the political and economic map of modern Africa. International bodies should today encourage African regional cooperation that can promote larger sustainable markets across frontiers. This will certainly involve the surrender of some sovereign rights by individual states, but not more than already relinquished by members of the European Union or even signatories to the North American Free Trade Association treaty. New multi-lateral lending and aid from individual donors should focus wherever possible on regional initiatives that help break down the artificial borders that today severely constrain Africa's economic growth. A prime example of such irrationality can be seen in West Africa, where Ghana, once a British colony, functions as a virtual economic island in the midst of its Francophone neighbors. Similar situations exist across the continent.

Several African economic groupings intended to promote more open trade are still hindered by national rivalries and external ties far stronger than regional affiliations. The West African Economic and Monetary Union is the most concrete actor, providing a common currency and central banking facilities for seven Francophone states. Its reliance on France severely limits its scope for action, however, and also inhibits the emergence of the larger, 16-member Economic Community of West African States.

Competing organizations are also clouding the picture in eastern and southern Africa. The Common Market for Eastern and Southern Africa comprises 22 states, but notably does not include South Africa, which was not considered for membership during the apartheid era. And South Africa now seems in little hurry to sign up, since it already dominates the Southern Africa Development Community, and is busy forging its own bilateral economic links with numerous other countries across the continent.

Promoting regional cooperation and eventually integration cannot alone help resolve Africa's lack of economic development. The concentration of external loans and investment in extractive industries must be shifted to more productive enterprises for long-term gains. Also highly important is for African governments to speed up reforms that reduce state involvement in the economy and promote freer markets. But for these strategies even to be pursued, and greater access to information to be achieved, more open governance with leadership accountability is required. The affliction of authoritarianism, particularly in its more corrupt forms, stunts economic growth as surely as it stifles political expression.

Another positive sign is that the information revolution that has largely bypassed Africa may get jump-started there by new and cheaper technologies in tandem with economic and political liberalization. Information access is the oxygen of modern economies. "Interconnectivity" also has a positive correlation with democratization. Sub-Saharan Africa's telecommunications infrastructure is severely lacking, with only about four million telephones serving over 500 million people—less than one line per hundred people, compared to an average of about 60 lines per hundred people in the industrialized world. Excluding South Africa from the calculation paints an even bleaker picture of communications capacities. Further, costs for equipment and international calling are very high, and often prohibitively so in terms of local income levels, as well as a serious drain on scarce foreign exchange.

At present, only a dozen African countries are even on e-mail networks, and only a few have full Internet connectivity. But new technologies may help bring Africa on-line far faster than was even a few years ago thought possible. Traditionally, a country's level of information access has been directly linked to its wealth. Now, cellular and optic-fiber technology is lowering the huge capital expense once needed to "hardwire" communications points. Also, ever-lower prices for computers and modems are reducing individual turnkey costs. Intra-African communications would also be

greatly enhanced if an ambitious project proposed by AT&T goes ahead. The company is seeking U.S. government backing for a two billion dollar project to lay a 21,000-miles of fiber-optical cable around the entire African continent.

Internet access will certainly help open Africa's economies. It will also provide interactive communication that can as easily run from South to North instead of being dominated by flows from the opposite direction, as is the case today. Further, Internet access can provide low-cost intra-African communication that will engender greater information exchanges and encourage the regional exchange and integration essential for eventual widespread prosperity.

Last week, the United States pledged to assist Africa to develop its Internet access. A five year program called the "Leland Initiative," for the late Congressman Mickey Leland, will help the continent gain access to and exploit the potential for the Internet as a tool for development and democracy. This sort of program should certainly be supported.

Other changes are necessary to bring the information revolution to Africa. Many countries retain laws that seriously restrict foreign investment. Few projects can move ahead without substantial external funding, and investors are often wary of entering long-term joint ventures with potentially unreliable state-run enterprises. But telecommunications monopolies, even if poorly-administered, produce a stream of guaranteed revenue into state coffers that many officials are loathe to forego.

Basic attitudes towards free expression are also problematical. The Freedom House 1996 Survey of world press freedom, released on the third of May on World Press Freedom Day, finds that only 7 of Africa's 52 countries earn a rating of free. Nearly half of Africa's countries are rated not free. A few specific cases of repression of free expression should be mentioned, based on protests filed by the Committee to Protect Journalists.

In Nigeria, Nosa Igiebor, editor in chief of the independent newsmagazine *Tell*, has been detained in solitary confinement without charges since December 23, 1995. Other Nigerian journalists who are also being held in cruel, degrading and potentially life-threatening conditions include Kunle Ajibade (*TheNEWS*), Christine Anyanwu (*The Sunday Magazine*), George Mbah (*Tell*) and Ben Charles Obi (*Weekend Classique*).

In Côte D'Ivoire, Freedom Neruda, deputy editor of the daily *La Voie* was sentenced on 11 January, to two years imprisonment and fined CFA6 million (\$12,000) for "offenses against the head of state." Two other Ivorian journalists, Abou Drahamane Sangare, director of publications of the *Nouvel Horizon* group which owns *La Voie*, and *La Voie* journalist Kore Emmanuel, were also each sentenced on 28 December to two years in prison after being convicted on the same charge, and fined three million CFA (\$6,000). *La Voie* was also banned for three months. The charges were brought after the newspapers suggested that Côte D'Ivoire President Henri Bédié had brought bad luck to the national soccer team.

In Zambia, the independent *Zambia Post* is under increasing pressure from the government, with numerous libel suits being used as a means of harassment. Some editions of the newspapers have been seized, and the Internet versions of at least one edition ordered pulled from the country's World Wide Web server. Attacks and harassment continue in other countries. Perhaps the most dangerous place in the world today to be a journalist is in Algeria, where over sixty media professionals have been murdered over the past three years.

This makes clear another choke-point for both human rights and economic development. Unrestricted information flows are anathema to authoritarian regimes. The state still influences most

media in Africa, and most closely controls broadcasting. This is especially important in lands with low literacy rates where radio is a prime means of disseminating information. Broad access to unrestricted information inevitably produces greater diversity of opinion that is ever-harder to quash. Ideological and political barriers only impede introduction of cheaper and more accessible communications that fuel both economic growth and the growth of civil society. And direct attacks on journalists are grim reminder that there is much work still to be done on promoting and protecting the most basic of human rights in many African countries.

It is encouraging that increasing amounts of that work are being done in Africa. An April meeting of human rights groups in Burkina Faso's capital, Ouagadougou, called for a broad-based program that includes strengthening legal institutions and promoting the teaching of human rights. It also identified the impunity with which many human rights violations are committed in Africa as a essential problem.

African programs that support human rights deserve outside support, especially NGO projects, which at the same time build the capacities and confidence of civil society. Groups such as the National Democratic Institute for International Affairs, the International Republican Institute and the National Endowment for Democracy should be encouraged and funded to assist African partners in these activities.

An example where such help could be usefully deployed now is in Zaire, where elections next year could finally end Mobutu's rule. Yet the new government election commission is untested. A broad coalition of human rights groups and other NGOs has this month launched an independent election commission, which aims to monitor the entire electoral process. This group will need outside expertise and material support to become a viable counterweight to and watchdog of official bodies.

Shall we close as Afro-optimists or Afro-pessimists? A case study of Africa's potential for progress and for peril is seen today in Ghana. Political and economic liberalization is taking tenuous hold. Ghanaians go to the polls in December 1996 to elect their president. Incumbent Jerry Rawlings, once a harsh socialist military dictator and now an apostle of free markets, will seek another term in office. Technical experts from the International Foundation for Electoral Systems have helped register voters. Media openness is increasing, although not assured. For the first time since independence in 1957, governmental transparency and accountability has a chance of becoming a reality in Ghana.

These elections will measure Ghana's political maturity. Rawlings may, like Bédié or Bongo, or Moi or Mugabe, manipulate the voting to keep power. He or his supporters may churn ethnic rivalries to gain votes. Or, by honoring his pledge to promote a genuine election, he could, in victory or defeat, mark the route toward long-term stability and growth. Ghana's voters, like people anywhere, will make rational choices to enhance their own futures if given the chance. And in Ghana, like anywhere else, respect for fundamental freedoms and access to information would help make that choice meaningful.

Democracy is today clearly working in some African countries. And in most others, leaders at least acknowledge, by signing human rights treaties, by holding some sort of elections and by paying at least lip service to respect for basic freedoms, that there are internationally recognized rules of governance and rules for humanity that should be obeyed.

Only as Africa calls itself to account to respect these rules—with encouragement from friends of human rights and democracy worldwide—can peace and stability be realized. ###



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May 22, 1996
House Committee on International Relations
Subcommittee on Africa

Good afternoon, ladies and gentlemen. I am honored to have been invited to present testimony before this subcommittee of the U.S. Congress.

When we speak of human rights, we refer to those inalienable rights that for centuries have been accepted as having been bestowed by God. Consequently, since man did not extend these rights, then man had no ability to deny those rights.

Typically, we mean such rights as freedom of speech and expression, freedom of religion, freedom of assembly and association, the right to equal protection under the law and the right to due process and fair trial. These rights are embodied, not only in constitutions the world over, but also in such international documents as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights.

Because such Western philosophers as Jean-Jacques Rousseau, John Locke and Montesquieu wrote extensively on the rights of man, it has been widely believed that Africans, who did not record such philosophies, neither knew of nor respected human rights. This is a dangerously erroneous concept. In his book, *Indigenous African Institutions*, Dr. George Ayittey examines democratic African traditions dating back many hundreds of years. Among the principles guaranteed by African customary law were: the right to equal protection under the law, the right to a fair trial, the right to petition for redress of grievances, the right to criticize and condemn any acts by the authorities and the right to protection of moral law in respect to family that not even a king could violate.

Ayittey's book provides numerous examples of respect for human rights among African societies. The Nuer people of Sudan, for example, revered the independence and dignity of the individual and honored the concept that all men were created equal. Among the Asante people of Ghana, the common people were free to form their own political, economic or social organizations and had the right to a representative to present their views before the council of elders. All adults of the Nguni peoples of South Africa would discuss council matters until there was consensus on which direction should be followed.

Certainly, none of the societies Ayittey cites represent Utopia, and surely, there must have been cases of injustice. Still, the respect for the rights of human beings is not unknown on the African continent. In the early years of the 20th century, even South Africa saw political pluralism in the form of black, white and Indian political parties. Liberation movements in countries such as Angola and Mozambique were not monolithic and espoused different policies. In many countries during the pre-independence period, there was significant openness to divergent opinions as represented by various movements and parties.

However, since independence, there has been a tendency among governments across the continent to restrict freedoms enjoyed by their people for centuries. Freedom of speech is abrogated by policies such as that adopted in Kenya, where criticism of President Daniel arap Moi was outlawed last year. Current Nigerian leader General Sani Abacha has jailed hundreds of critics of his regime's refusal to accept the results of the June 12, 1993 elections. Many others have been forced to flee the country.

In Sudan, a civil war between the Muslim central government and Christians and traditional religion devotees has facilitated a return to slavery. In a blatant abrogation of freedom of religion, Christian captives reportedly are sold for as little as \$15 for not adhering to Islam. In Algeria, those who do not practice strict sha'ria, or Islamic law, are often killed by militant fundamentalists.

The National Resistance Movement government in Uganda has infringed on freedom of association by banning active participation by political parties in national life prior to the elections there earlier this month. Since winning the presidential elections, President Yoweri Museveni has outlawed multipartyism for the next 15 years. In Swaziland, the only southern African nation in which political parties are banned, a week-long general strike paralyzed the country and was resolved only when King Mswati III agreed to negotiate the matter.

The Zambian Parliament passed a law this month, aimed directly at denying former President Kenneth Kaunda the right to run for his previous office, which is a violation of equal protection of the law. That Zambian law echoes the machinations last year by Ivory Coast President Henri Konan Bedie, whose government revised election laws to prevent the candidacy of former Prime Minister Allesane Ouattara. Both laws challenged potential candidates' citizenship in a way that specifically targeted their circumstances.

Due process of law is a forgotten concept on the streets of Monrovia, Liberia, where the frequent breakdowns in government and public order have resulted in mass killings and looting. Summary executions are the rule in Liberia today. Similarly, in Zaire a breakdown in civil order over the past several years has caused citizens and foreigners to become increasingly vulnerable to violence and extortion from unpaid soldiers.

There are several reasons why longstanding African traditions of respect for human rights have been left behind in independent Africa. First, colonial governments used authoritarian techniques to manage ethnic groups that had not previously been under one rule before being

incorporated into a colony. Following independence, many African leaders kept draconian colonial laws on the books as a convenient means to punish dissenters.

Second, ethnic rivalries often led some leaders to deny rights as a means of forcing a form of nationhood on fractious tribes. Actually, it usually is a means of keeping certain groups in their place and allowing others to enjoy the fruits of power.

Third, a reliance by many leaders on a system of autocratic socialism denied political and economic rights by virtue of its guiding principles. Individual freedoms were sacrificed for the supposed good of the state.

Fourth, some argue that civil war and or disorder in nations such as Angola, Burundi, Ethiopia, Liberia, Mozambique, Rwanda, Somalia, Sudan and Zaire offer justifiable explanations for human rights violations. Governments were unable to guarantee rights during war time, it is said. Actually, in most of these cases, human rights were violated before the fighting began. For example, the Americo-Liberian regimes in Liberia discriminated against indigenous tribes, and the Doe regime was no better.

Fifth, there are those who would blame the West for African human rights violations by claiming that Western nations looked the other way during the Cold War for strategic reasons. Whatever the truth of that claim, it does not justify governments blatantly violating their citizens' human rights. This was not a mandate of Western supporters at any time during the Cold War, and African leaders knew by their own traditions that what they were doing was wrong.

Despite a tendency to ignore traditions of support for human rights by many governments in independent Africa, there are African nations that have made significant advances in their human rights standing in recent years. In Mauritius, more than a dozen independent newspapers exercise their right to free speech by criticizing their government without fear of reprisal. The Central African Republic has no state religion and guarantees freedom of religion for a variety of sects who are free to proselytize.

Opposition political parties in Malawi freely exercise their rights to assembly and association under a government that does not interfere with their ability to organize and routinely grants permits for public events. The new South African constitution guarantees equal protection under the law for all citizens in contrast to the decades of unequal justice under apartheid. Botswana's due process rights for those who have been arrested and their procedures for fair trial closely resemble those we enjoy here in America.

There are few absolutes among human rights violators and those nations that respect human rights. However, the one constant is a mixed, but genuine progress toward a greater respect of the rights of all citizens in African nations. There has been an increased acceptance of competitive elections as evidenced by the explosion of nearly three dozen elections in the past four years alone. There has been an increased acceptance of political pluralism, and nations such as Uganda and Swaziland that ban political parties are now the exception and not the rule.

There is a growing trend toward what might be called federalism or at least decentralization, in which provincial and local governments assume more authority for the welfare of their citizens. The desire to consolidate peace in nations such as Angola, Ethiopia and Mozambique also has broadened the opportunities for citizens to enjoy their inalienable rights. Progress on these fronts has not only enhanced the future of democratic politics, but also of respect for the rights of citizens.

To correct the injustices that do exist and help restore and expand the culture of respect for human rights in Africa, the United States and other Western nations must take strong, definitive actions to support the principles of human rights we share with governments and individuals throughout the world. Since the mid-1970s, U.S. Presidents and the American Congress have devoted more attention to human rights issues in various countries. Now that the pressures of the Cold War have lessened considerably and repressive tendencies are more obvious, we must be even more vigilant to help citizens in African nations safeguard their rights. The following are four issues that must be properly addressed:

1) The commonly-held principles regarding basic human rights must be clearly enunciated and connected to historic and current African practice. At the African Democracy Network conference in Mombasa, Kenya, in March 1995, the International Republican Institute (IRI) brought together more than 60 African democracy advocates from 20 countries who professed their support for the same democratic principles we hold dear in America and which are the standard worldwide. The conclusions of that conference were that there is no such thing as African democracy and that Africa must be held to the universal standards governing human rights. While democracy has to be shaped to fit the circumstances in each country, there are overarching principles whether that nation is Canada, Chile, Cambodia or Cameroon. IRI has utilized the talents of African democrats in programs in countries such as South Africa, Ghana, Mozambique, Botswana, Zimbabwe and Guinea-Bissau so that Africans struggling with democratization can see that human and civil rights are not only practiced in the West, but also in countries much like theirs.

2) There must be increased support for human rights education. IRI and other organizations supporting democracy around the world have witnessed the inability of well-trained democracy advocates to effect the change they are qualified to achieve. Part of the reason for the delay in achieving democratic reforms is the lack of a developed civil society. Coming from differing traditions and often under rule by leaders devoted only to exercising power, African citizens often do not understand their basic rights. Last year, the United Nations declared the Decade for Human Rights Education. In keeping with that spirit, the UN, other international organizations and individual governments must devote more resources to teaching average citizens about their rights and responsibilities.

3) African-based reporting on human rights is essential to achieving change. The U.S. Department of State each year compiles a comprehensive report on the status of human rights -- nation by nation. Amnesty International tracks the cases of hundreds of political prisoners each year and galvanizes support for their release. Freedom House distributes an

annual report that examines progress (or lack thereof) on political freedom and now is including economic freedom. These reports are well-done and essential in understanding human rights practices worldwide. However, if there is to be effective reform, then Africans familiar with the situation on the ground must be able to report on the available resources to implement change and their limitations and effectiveness so that successful policies can be enacted.

4) There must be a clear connection between specific human rights practices and Western aid and trade. African governments must be clear on what will be tolerated and what is considered out of bounds in terms of the government's behavior toward its own citizens and foreigners. The same standards must apply to all African nations; unequal application only leads to disrespect of the basic principles we say we believe in. For example, Kenyans justifiably wonder why they are pressured to conduct multiparty elections and provide freedoms for their opposition political parties, when Uganda refuses to allow functioning opposition parties and conducts elections that are approved of by the international community. Perhaps the standards must focus on the measure of progress toward observance of human rights, but it must be a standard that can be broadly applied.

If a nation violates clearly enunciated principles, then the U.S. and other nations can deny aid with specific demands for corrective action. This serves as a guideline for reform in that nation and a warning to other offenders. Conversely, if a nation is considered to be adhering to accepted human rights principles, then aid and trade levels should reflect such adherence as a benefit of acceptable behavior and as an incentive to other governments. Quiet discussions, such as that held recently between Speaker of the House Newt Gingrich and African diplomats in Washington offer a useful venue to discuss issues privately and attempt to come to an understanding without the glare of publicity.

Thank you again for your gracious invitation to present testimony before this panel. I am now prepared to answer your questions.

Lawyers Committee for Human Rights



AFRICA

STATEMENT OF JOSEPH T. ELDRIDGE
DIRECTOR, WASHINGTON OFFICE
LAWYERS COMMITTEE FOR HUMAN RIGHTS

HEARING ON
HUMAN RIGHTS IN AFRICA

BEFORE THE
U. S. HOUSE OF REPRESENTATIVES
COMMITTEE ON INTERNATIONAL RELATIONS
SUBCOMMITTEE ON AFRICA

MAY 22, 1996

INTRODUCTION

Chairwoman Ros-Lehtinen, I want to thank you for convening this hearing and for inviting the Lawyers Committee to testify. My name is Joseph Eldridge, and I direct the Committee's Washington office. Since 1978, the Lawyers Committee for Human Rights has worked to protect and promote fundamental human rights in all regions of the world. The Committee's work is impartial, holding all governments, including our own, to the standards affirmed in the International Bill of Rights.

You have asked us today to present our insights on the human rights situation in Africa. I am not an expert on Africa; in fact, I have never set foot on the continent. But I have seen the struggle for human rights and fundamental freedoms in Africa in the faces of the hundreds of African refugees whom the Lawyers Committee serves through its Asylum Representation Program. As a human rights organization, the Lawyers Committee has always maintained a focus on directly assisting those who have been forced to flee their own countries and seek freedom from persecution in the U.S. Our caseload mirrors world events. In the 1980's, we represented hundreds of Central Americans, Haitians and East Europeans fleeing civil war and repression at home. Today, our caseload is overwhelmingly African.

Currently, some 20 million Africans are uprooted from their homes by civil strife, social breakdown or political persecution. One in every 35 Africans today has been forcibly displaced from his or her home. We see in the faces of our refugee clients a portrait of life under dictatorship and the abuse of fundamental human rights. We hear first hand from those who have

suffered rape by child soldiers in Liberia, slavery in Mauritania, genocidal attack in Rwanda and Burundi, imprisonment and torture in Nigeria and Sudan, genital mutilation in Togo, death threats in Ethiopia, displacement in Somalia. In the course of this work, we do not hear about the successes, the bright spots where human rights and democracy have taken hold. Our clients reach us when they have lost hope for maintaining their own safety at home, when they fear persecution so great that they leave behind everything they have known — family, friends, business and career — and seek only survival.

This diaspora is symptomatic of the breakdown of the rule of law in many African countries. We now represent refugees from a broad spectrum of nearly twenty countries across the continent: Algeria, Angola, Burundi, Cameroon, Ethiopia, Ghana, Liberia, Mali, Mauritania, Morocco, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, Togo, Tunisia and Zaire. Though we must withhold some of their names for the protection of their families, we would like to share just a few of the harrowing stories of these courageous individuals to enhance your understanding of the struggle for human rights in Africa.

CASE EXAMPLES

1. Rwanda

The case of Mr. R, a Rwandan radio journalist, demonstrates graphically the situation faced by those whose physical appearance alone marks them for death. Mr. R had just been accepted into a U.S. Information Agency exchange program when fighting broke out in Kigali in April 1994. Mr. R, who is of mixed Hutu and Tutsi parentage, was forced to flee the capital with

his Tutsi wife and his child. It was not until they saw bodies along the road and were stopped at a Hutu militia checkpoint that they learned that a genocidal massacre was underway. Only his name recognition protected the journalist and his family from immediate slaughter by scores of wandering death squads. After six desperate months, the family made its way out of the country with the help of the United States embassy to join the exchange program. Meanwhile, the Rwandan Patriotic Front rebel movement had taken over the Rwandan government and was arresting journalists associated with the former regime whether or not they were implicated in the massacres. Some of Mr. R's former colleagues disappeared into prisons from which they have not emerged, and some were murdered. Because of the continuing danger of persecution he faced in Rwanda due to his profession, Mr. R was just this month granted asylum in the United States. The Committee to Protect Journalists has issued an alert that Rwandan journalists are still being killed and "disappeared" at an alarming rate in Rwanda, both by the government and by opposition squads. Despite the convening of a U.N. war crimes tribunal for Rwanda, the process of bringing those responsible for the killings to justice is virtually at a standstill. Although the first trials are scheduled to begin this summer, the tribunal has been seriously hampered by lack of political cooperation by States and by lack of adequate funding.

2. Burundi

In her visit to Washington this week, Madame Ogata, the U.N. High Commissioner for Refugees, despaired at the lack of attention being given to the smoldering powder keg in Burundi. U.S. action, which she believes could help to avert the renewed breakout of ethnic killings there, seems dependent on public awareness of the impending crisis and is so low that many individuals

she met with had never even heard of Burundi. Meanwhile, since February of this year, over 100,000 people have been displaced by the rising tide of fighting. The case of Mr. B and his family offer a window into the nature of this escalating conflict. Mr. B's father, a Rwandan Tutsi, emigrated to Burundi in the 1960s and became a noted member of the Tutsi community in Bujumbura. The Hutu government of Burundi has long accused Rwandan Tutsi emigres of financing the incursions of the Rwandan Patriotic Front in Rwanda, and, as the RPF came closer to overthrowing the government in early 1994, the Hutu-dominated government began reprisals against Rwandan Tutsi immigrants. In February 1994 both Mr. B's father and his cousin were arrested and tortured. After several months of detention and torture, Mr. B's father's health was failing and he was transferred from a prison to house arrest, where he remains today. Mr. B remains in the U.S. as a student, fearful of return to a situation that all experts seem to agree will, if left unchecked, soon erupt again.

3. Zaire

The case of Kalala Mbenga Kalao, a Zairian journalist who is here with us today, demonstrates the enormous dangers faced by those who dare to uncover the corruption of oppressive dictatorships. In 1993, Mr. Kalala researched and wrote an article in which he revealed the ethnicity of members of the Zairian armed forces and security police, confirming definitively that the highest positions were heavily stacked with members of Mobutu's tribe. Shortly thereafter, Mr. Kalala was arrested. Though he had been arrested and threatened before by the government, this episode was the most severe. For 27 days, Mr. Kalala was held incommunicado, kept naked in a dark room, given no food, and tortured. In addition to severe

beatings, the prison guards tortured Mr. Kalala by forcing his head against a low ceiling with protruding nails and administering electric shocks to many parts of his body. He barely survived, but once released, continued his outspoken critique of the Mobutu regime. In 1994 Mr. Kalala was awarded the prestigious National Press Club's Freedom of the Press Award for his courageous reporting in Zaire. Though he was invited to the U.S. to receive the award in person, he was not granted permission to leave Zaire. Wearing a disguise, Mr. Kalala nearly escaped on a ferry to Congo, but was intercepted and arrested. He was able to bribe his way out of jail and flew to the United States to receive his award, intending to return home to his wife, who was pregnant with the couple's first child. While in Washington, Mr. Kalala met with National Security Advisor Anthony Lake to report on the human rights situation in Zaire, a meeting that was reported on briefly in the international press and was not overlooked by the Mobutu regime. Within days, Mr. Kalala was horrified to learn that his wife and brother had been arrested. After friends and family secured her release, Mr. Kalala's wife fled into hiding. Mr. Kalala was granted asylum on an expedited basis, and was soon reunited with his wife. Mobutu's stranglehold on Zaire continues, and the parallel but relatively powerless opposition government is in an uneasy power-sharing arrangement.

4. Ethiopia

Almost exactly five years ago, the brutal Mengistu regime in Ethiopia, notorious for having one of the bleakest human rights records on the continent, fell to a coalition of ethnic-based insurgency groups under the umbrella of the Ethiopian People's Revolutionary Democratic Front (EPRDF), ending fifteen years of terror. At the time, there was much hope that the country

was finally entering a period of democracy and respect for human rights. And in fact, much progress has been made, including an effort to hold accountable those responsible for atrocities under the Mengistu government. But troubling accounts of repression and human rights violations by the new government have been emerging, as illustrated by the story of Mr. E, a twenty-year old car mechanic of Amharic ethnicity. Like so many of their fellow citizens, Mr. E's family suffered greatly under the Mengistu government. His older brother had been arrested and viciously tortured for opposition activities and eventually fled the country. Mr. E's father had been arrested on many occasions for questioning. The family was relieved when the regime fell and looked forward to peace. After graduating from high school in 1994, Mr. E joined the All Amhara People's Organization, a major opposition group. In February 1995, Mr. E was stopped on the street by police for a random search. When the police found Mr. E's party identification, they arrested him and locked him in a tiny brick cell where he was held with two other men incommunicado and without charge for eight months. Though he was only eighteen and had just joined the organization, guards questioned Mr. E about the long term plans of the All Amhara People's Organization. Mr. E was fed only small amounts of bread and water; no sanitary provisions were made. Within a short time his health began to deteriorate. By the end of eight months, Mr. E was so ill that the guards decided to allow his parents to take him home. As he was leaving the prison, Mr. E finally received notice of the charges against him and a summons to appear in court. As Mr. E recuperated at home, his neighbors reported that they were being questioned by unknown men in civilian clothes as to Mr. E's activities and whether he was receiving any visitors. Fearing that he would once again be arrested and held indefinitely, Mr. E fled Ethiopia and arrived in the United States in February 1996.

5. Nigeria

Human rights conditions in Nigeria have been dismal since General Abacha seized power in 1993. Widespread knowledge of the situation reached a peak with the execution last November of Ken Saro-Wiwa and eight other human rights and environmental activists. The continuing escalation of brutality and disregard for basic rights is demonstrated in the case of Mr. N, a Nigerian journalist. Mr. N wrote for and edited a series of news magazines critical of the Abacha regime and its predecessor; he founded *The News*, a major newsletter that was closed down by the government in 1993. In mid-1993, Mr. N's house was ransacked by security police; because he was not at home, the police arrested Mr. N's wife and three month old son. In 1995, Mr. N published an article revealing that a purported coup, which had provoked a government crackdown, had never taken place. Immediately thereafter, four other editors at Mr. N's magazine were arrested and interrogated regarding Mr. N's whereabouts. Soldiers were placed outside Mr. N's house to arrest him, and he went into hiding, living with friends, going out only at night and working outside the office. By mid-1995, the government had stepped up its surveillance of Mr. N's home to such a high degree that Mr. N began to fear for his family's safety as well as that of his own. His wife moved to a different section of town and his children took on new last names so that they could safely enroll in school. Finally, the situation became so dangerous that he decided to flee the country. Wearing a disguise, Mr. N escaped by traveling overland to Benin in February 1996, the same month that he was awarded the prestigious International Editor of the Year Award by the World Press Review. He was assisted by Amnesty International, which arranged for him to make a speaking tour in the United States. Over the last several months, the already dismal human rights situation in Nigeria has become increasingly

serious. The Abacha regime has stepped up its arrest and detention of human rights activists, journalists and opposition leaders.

CONCLUSION

Refugees tell the story of human rights in Africa. These stories offer only a glimpse of what is a widespread breakdown of the rule of law in many African countries. Perhaps the most graphic example today is Liberia. The plight of the Ghanaian freighter carrying hundreds of frightened refugees from Monrovia in search of a safe haven is a graphic symbol of human rights set adrift in Africa. The drama of Africa's widespread political disintegration and attendant human rights violations which have produced these refugees demands a more timely and energetic response from Washington and other capitals around the world. We offer the following general suggestions for action on the part of the U.S. government.

RECOMMENDATIONS

1. The USG should incorporate into its bilateral discussions with African governments explicit reference to the rights and needs of refugees. All African nations which have not ratified the 1969 OAU Convention Governing the Specific Aspects of Refugees in Africa and the 1951 UN Convention on Refugees should be urged to do so.
2. The USG should engage in contingency planning and strengthen its resolve to act through multilateral channels to respond to crises before they erupt. "Early warning" is a buzz phrase, yet the issue usually has less to do with providing information about impending humanitarian disasters

than whether the international community is willing to act on the basis of that information.

Rwanda and Liberia are two powerful examples of the consequences of inadequate international response.

3. The USG should work with the international community through the OECD and the UN Human Rights Centre to establish programs to train security personnel in the particular needs and human rights of refugees.

4. The USG should work with the international community to establish independent mechanisms to receive and investigate complaints by refugees against security force personnel and other officials.

5. To ensure the maximum flexibility in use of resources by UNHCR, the USG should guarantee long-term, non-earmarked funding to enable the agency to respond independently and rapidly to new refugee crises without having to take into account the preferences and foreign policy objectives of its major donors.



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STATEMENT OF REP. GARY L. ACKERMAN
HUMAN RIGHTS IN AFRICA
MAY 22, 1996

Madam Chair, I am pleased that the Subcommittee meets to discuss today an important cornerstone of American policy in Africa: human rights.

Since the end of the Cold War, human rights have received much more attention in our discussions of Africa policy. The record, however, remains mixed. Too many Africans are slaughtered in ethnic conflict and civil war that engulf Rwanda, Burundi, and Liberia. Chaos reigns in Somalia and the Central African Republic. The governments of Nigeria and Zaire arbitrarily arrest their citizens and subject them to torture and prevent them from freely expressing their opposition. Slavery is common in Sudan and Mauritania and violence and discrimination against women is a disheartening common thread throughout the continent.

There are some bright spots, however. Benin has just completed a peaceful transfer of power after free and fair elections. Sierra Leone has just held its first elections in 30 years hopefully putting to rest 5 years of civil war. Of course, South Africa having completed elections down to the local level has recently adopted a new constitution enshrining civil liberties.

There are also those countries that are struggling to emerge from the shadows of civil war. Angola, Eritrea and Eritrea have all met with varying degrees of success in this regard.

With the many nascent democracies in Africa, it is appropriate that we review the progress towards protecting human rights and that we continue to provide support and assistance to African nations as they begin to hold themselves and each other accountable for ensuring the safety and liberty of their citizens.



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